

FROM EMPIRE TO  
COMMONWEALTH

**MAHARANA BHUPAL  
COLLEGE,  
UDAIPUR.**

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# FROM EMPIRE TO COMMONWEALTH

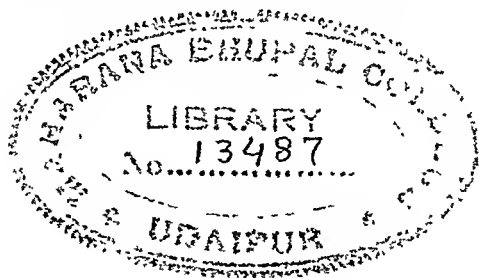
PRINCIPLES OF BRITISH  
IMPERIAL GOVERNMENT

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## Introduction

THE documents that are printed in this book have been chosen to illustrate some of the main principles of modern British imperial government, and to show at the same time something of what Englishmen themselves have thought about their imperial responsibilities.

England's colonizing activity in the Middle Ages was confined to Ireland. Her sailors undertook trading voyages far overseas, to Iceland, the Baltic, Spain and Portugal, the Mediterranean, possibly even to West Africa. But these were trading voyages and no more. It was not until Cabot's expedition of 1497 that the possibility of acquiring permanent colonial possessions was seriously considered. In the letters patent that he issued to Cabot (1)<sup>1</sup>, Henry VII authorized him to "subdue, occupy, and possess" any land he might newly discover and to take possession of it by setting up "our banners and ensigns" there. Naturally enough, the King expected some return for his patronage; and accordingly he reserved to himself a fifth share in whatever profits Cabot might win from exploiting his discoveries. The project came to nothing. After an initial success, Cabot was lost on his second voyage across the Atlantic in 1498.

No sustained attempt was made to develop English colonization, in the full sense of the term, until Raleigh and the other Elizabethan projectors took it up in the last quarter of the sixteenth century. The chief propagandist of the movement was Richard Hakluyt the younger, who set forth the arguments for English settlement in North America in his *Discourse of Western Planting* (3). It summarizes much of the Elizabethan

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The most dangerous of these rivals was Holland. The English and Dutch were colliding at this time all over the world—in Europe, in West Africa, in the West and East Indies. It was a prime object of the Dutch to engross to their own ships as large a share as possible of the world's carrying trade. The Civil War gave them a chance to capture a good deal of the trade that had previously been handled by English ships. When the war was over it was an immediate concern of the Commonwealth government to put a stop to this Dutch encroachment. The two Navigation Acts of 1650 and 1651 were the result, and they were confirmed and extended after the Restoration in the Navigation Act of 1660 (6).

Their principles were not new. Nearly three hundred years earlier, in the reign of Richard II, two Navigation Acts had been passed with the same general purpose, to confine English trade to English ships and to foster English seamanship. They had been followed intermittently by further Acts of the same kind in the fifteenth and sixteenth centuries. But the growth of English settlements and trading posts overseas gave this legislation a wholly new importance, and from this time onward the government made strenuous efforts to enforce it.

The Act of 1660, moreover, contained two novel and important provisions. It applied to the exports of the colonies, as well as to their imports; and certain colonial products, specifically named, might be exported to England only, and to no foreign countries. These "enumerated articles" included sugar and tobacco from the beginning, the most valuable commodities

All Europeans in the seventeenth century considered that colonies existed solely for the advantage of the country that planted them. So long as the colonies remained weak they were unable to protest effectively against this total subordination of their interests. But by the middle of the eighteenth century the British colonies in North America had grown up into powerful states. They resented the political and economic



control that the mother country sought to maintain over them, and they were strong enough to make their resentment felt. Here was the central cause of the American Revolution. A purely political accommodation between Britain and the American colonies might conceivably have been reached; but it could not have lasted unless Britain had been prepared to abandon entirely her commercial supremacy over the colonies, and that was out of the question at the time (8). The struggle between Britain and the American colonies arose over issues that are now dead; but it raised questions that are of permanent importance—very much alive indeed, today. Was it possible to reconcile British supremacy with a measure of practical independence that would satisfy the Americans? Lord North's government was not prepared to examine that suggestion seriously: it preferred the method of coercion, which was disastrous. But there were a few forward-looking people, both in England and in America, who believed that an agreement might be reached on fresh lines and fresh assumptions. They were prophets of the modern British Commonwealth (9, 10).

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Economically, the loss of the American colonies was not a very serious blow to Great Britain. The West Indies were more profitable to her, and in India, with the victories of Clive and Coote and Munro, vast new opportunities were opening up, far richer than anything the West had to offer. Clive saw from the start that there were grave dangers and disadvantages in leaving the administration of this huge territorial dominion in the hands of the East India Company, and as early as 1759 he urged the elder Pitt to take it under the control of the British government (7). But Pitt was too much occupied with the Seven Years' War, and he dared not face the opposition such a measure would arouse in England. Two great questions remained, therefore, to be answered. What was to be the relation of the Company, now immensely rich and powerful, to the Crown? And how was the Company to reconcile its commercial interests with just administration of its territory?

The two problems were clearly involved together. When news reached England of the misrule of the Company, it was generally agreed that some control must be established over it by the government in London. The first, timid attempt at imposing it was North's Regulating Act of 1773. Ten years later a stronger measure was brought forward by Fox; and it was in the debate on this Bill that Burke stated the principle of "trusteeship" on which he maintained that the government of India ought to be based (14). This doctrine, that government is "in the strictest sense a *trust*" exercised on behalf of the governed, has become a cardinal principle of British native policy, constantly re-stated down to our own time (53, 62).

Burke's generous zeal and his immoderate hatred of the Company led him also to inspire the persecution of the greatest of its servants, Warren Hastings. No Englishman has ever faced a more difficult task of government than Hastings, or risen to it more heroically; and though some of his measures were questionable (for he acted with the promptest energy in a situation that was often desperate), his constructive achievement is what matters most. He set himself from the outset seven clear objects of policy (13). When he left in 1785 he had done much towards their fulfilment. Threatened as he was by French and Indian enemies, and rivals quite as bitter inside his own council, his defence of strong government in Bengal (15) is unanswerable. But his administration in Bengal was in reality something of the trusteeship that Burke had demanded. He was revered by the Indian people, whom he did his best to protect from misgovernment. He understood and interested himself in them as some of his successors failed to do. Early in his career . . .

the tributes that were paid to him by Indians went far beyond convention.<sup>1</sup>

The reforms initiated by Hastings were carried on and

<sup>1</sup> See, for example, the passages quoted in R. Muir, *The Making of British India* (1915), 164-6.

much extended by his successors. The Company's position speedily became one of complete dominance in India: it had outdistanced all its rivals, Indian and European. This security enabled it to provide an elaborate machine of government, manned by first-rate civil servants—perhaps the ablest, most energetic and disinterested body of administrators of whom we have any record. They were faced with the problem of giving justice and good government to people who had forgotten those virtues or never known them; and—at least as difficult—of adapting a medieval Eastern civilization to the material and moral standards of nineteenth-century Europe. Nobody would claim that their work was free from serious mistakes; but looking back on it now, when British rule in India has come to an end, an Englishman cannot help feeling proud of their achievement.

Some of the problems they faced, and the way they tackled them, are illustrated below: in Lord William Bentinck's decision to prohibit suttee (17); in Macaulay's insistence on the necessity for equal justice between Englishmen and Indians (21) and Elgin's firm application of the same principle (40). It was a desire for practical fair dealing, too, that lay at the back of Macaulay's famous minute on Indian education (20). He dealt there with one of the classic problems of colonial government. Those who censure him as a cocksure Philistine should see this issue, as he did, in the light of practical politics. Leaving aside all question of the relative merits of Western and Eastern civilization, is it not true that the Orientalists' policy of instructing Indians solely in their vernaculars and their indigenous culture would have meant, in fact, withholding from them the keys of nineteenth-century material and political progress; that it would have amounted, as Macaulay said, to keeping "the people of India ignorant in order that we may keep them submissive"?

On the issue Macaulay triumphed. On another he was less successful. In agreement with some of the most enlightened of the Company's servants (16), he urged that Indians should be admitted to an increasing share in the government of their own country (18). But in spite of the clause in the Act of 1833

forbidding the exclusion of Indians from office on grounds of colour alone, and in spite of the similar clause in the Queen's proclamation after the Mutiny (37), the association of Indians with the government of India went forward all too slowly.

The humanitarians did not confine their attention to India. In the West Indies and in Africa they wrought a great revolution in these years by securing the prohibition of the British slave trade in 1807 and the abolition of British slavery in 1833 (19). The impulse was noble, but it was not carried far enough. The clearer-sighted humanitarians recognized that something more must be done than merely to cut off the Africans' most lucrative external trade, that some new products must be developed to take its place (23); but they did not succeed in discovering them. Only when European governments assumed the direct administration of tropical Africa in the late nineteenth century could an effective search for new sources of wealth be pursued. It still continues, with varying success.

In the West Indies it is fair to say that the humanitarians and the government left their great work half done. "As the question at present stands," wrote the governor of Trinidad in 1848, "a race has been freed, but a society has not been formed."<sup>1</sup> Elgin's analysis of the economic position of Jamaica, and his urgent plea for a system of practical education (26), are very well worth reading still: he touches here on problems of colonial government that are universally important, and by no means solved today.

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Meanwhile, in governing her colonies of settlement, Great Britain had been learning the lesson of the American Revolution. At the end of the Seven Years' War in 1763 she took over French Canada and thus had to face the problem of governing a European population entirely alien in language, customs and religion. After eleven years of purely official rule it was decided by the Quebec Act (11) to concede to the French Canadians their traditional civil law and the re-endowment of the Catholic

<sup>1</sup> K. N. Bell and W. P. Morrell (ed.), *Select Documents on British Colonial Policy 1830-60* (1928), 432.

church, and to establish a legislative council. A large number of British Loyalists migrated into Canada after the American War of Independence; and the difficulties of governing them side by side with the French led in 1791 to a division of the colony into two parts—Upper Canada, predominantly British, and Lower Canada, predominantly French. At the same time both colonies were given elected assemblies. In his speech introducing the Bill, Grenville said that “the government of Great Britain had been anxious to communicate to Canada a participation of all the blessings of the English constitution, as far as the circumstances of the case would admit.”<sup>1</sup>

But though the Act was liberal in intention, it could not permanently satisfy the colonists. The partition of Canada seemed to be right at the time, but it led to frequent collision between the two provinces; inside Lower Canada a strong British minority grew up, always at loggerheads with the French; there was perpetual warfare in both provinces between the irremovable executive and the irresponsible legislature. In the end two small rebellions broke out, in 1837. Melbourne's government, thoroughly alarmed, sent out Lord Durham with full powers as governor-general to investigate the causes of the disorder and to devise a solution.

His Report is one of the best-written of all state papers, analysing the whole of Canadian politics and society as he saw them with extraordinary clarity and vigour.<sup>2</sup> He begins with an unforgettable description of the quarrel between the two races in Lower Canada (22a), passes on to expose the evils of the existing system of government (22b, 22c), and then states his remedies: to reunite the two provinces and to make the new government responsible to the legislature on the English model (22d). The reunion of the provinces had for him a twofold purpose: to end the hostility between them, and to place the French Canadians (whom he regarded as a backward, reactionary people, an anachronism in the nineteenth century), under a

<sup>1</sup> *Parliamentary History of England*, xxix, 658.

<sup>2</sup> A valuable abridged edition of the Report was published in 1946, with an introduction by Sir Reginald Coupland.

permanent British majority for their own good (22e). This last proposal has met with constant criticism since. Durham entirely underestimated the tenacity of French Canadian nationalism—it was perhaps a characteristic Liberal fallacy to suppose that irrational sentiment of this kind could be stamped out by political action, that it was possible to make French Canadians into good British Liberals by argument and persuasion.

But this single miscalculation by no means invalidates the Report. Durham's diagnosis of the constitutional problem was unfailingly accurate, and responsible government was the proper cure. He did not, however, suggest, that the Canadians should be given entire autonomy. He proposed instead a division of powers—the immediate transference of control over local affairs to Canadian ministers responsible to their legislature and the reservation of certain specified matters of

independence. He suggested a method by which the transition could be made gradual, and he had confidence that timely concession by Britain would enable her to retain the colonists' affection and preserve the Empire, where a rigid maintenance of her legal rights had lost her the American colonies in the eighteenth century.

Durham's recommendations were not fully accepted by the government. The two provinces were reunited in 1840; but Lord John Russell, the Secretary of State for the Colonies, was not prepared to agree to responsible government, even in the limited form suggested in the Report. At the same time he and his successors in office sent out a series of most able governors and left the administration of Canada very largely in their hands (27). Earl Grey (who must on the whole be reckoned the greatest of British Colonial Secretaries) took a just pride in the achievement of these governors and pointed out that their selection was made on grounds of merit alone, and not for their party allegiance (32). The governor beld

indeed, for the moment, the central position, acting at once as a constitutional monarch and as his own prime minister (25, 29). But this could be only a temporary expedient. The concession of full responsible government, turning the governor into a constitutional monarch and no more, could not long be denied. It was outlined by Earl Grey in correspondence with the governor of Nova Scotia in 1846 (28) and carried into effect in Canada by Elgin (36).

These three great men—Durham, Elgin, Grey—rendered immense services to the Empire. Perhaps the most important of all was their firm belief in its continuing future, when most of their contemporaries thought the colonies of settlement would fall away into independence as soon as they were strong enough to stand alone (30, 31).

While this revolution was being carried through in Canadian politics, another, no less important, transformed the economic system of the whole Empire. The old imperial preferences and navigation laws were swept away entirely in the forties and fifties (31, 33). The adoption of free trade by Britain hit some of her colonies very hard. It was natural that the Canadians should resent it, and that in the economic crisis of the late fifties they should feel free to act in defence of their own interests without any tenderness for Britain's. Accordingly, in 1859 the Canadian government proposed a substantial tariff on manufactured goods, British as well as foreign. The Colonial Secretary, the Duke of Newcastle, was unwisely led to protest. He drew from the Canadian Finance Minister a polite but absolutely firm statement (38): if self-government was a reality, that must include fiscal freedom. Newcastle at once accepted the argument and abandoned an untenable position.

The chief problem now confronting the Canadians was that of their relation with the other British colonies in North America. Durham had envisaged a possible federation of all the colonies, but in the end he dismissed that idea as impracticable for the time being. It was taken up again twenty years later by the colonists themselves, slowly pressed forward against every sort of local obstruction, and finally achieved in

the British North America Act of 1867. The home government, though it showed great sympathy with the project throughout, rightly abstained from taking any leading part in it. Legally it was necessary—and most Canadians thought it was also desirable—that the new constitution should be embodied in an Act of the imperial Parliament. It is very striking to see, in the brief debates that took place on the Bill at Westminster, how completely Englishmen were agreed that it was a matter for Canadians themselves to settle without any imperial interference. "It is the foundation of a great state—perhaps

measure setting the crown to the free institutions which more than a quarter of a century ago we gave them, and therein we remove, as I firmly believe, all possibilities of future jealousy or misunderstanding."<sup>1</sup>

Britain was content to underwrite Canada's wishes on a Canadian matter without question. But that principle worked both ways. When the Canadians ventured to offer the imperial government an opinion on the desirability of Home Rule in Ireland in 1882, they were courteously told that this was none of their business.<sup>2</sup>

The principles of colonial self-government, first worked out in Canada, were quickly applied to the Australian colonies, New Zealand, and the Cape. Each of these differed widely in important respects from Canada and from the others. In Australia there was the problem of transportation and the intense rivalries and jealousy that grew up very early between the six colonies. It was not until 1900 that it proved possible to unite them in a federal Commonwealth of Australia. In New Zealand the British settlers found themselves side by side with a formidable and intelligent native race, the Maoris; and in the early years of the colony's history there was frequent warfare between the two peoples. Sir George Grey handled the

<sup>1</sup> 3 Hansard cixxxv, 557.

<sup>2</sup> See A. B. Keith, *Speeches and Documents on British Colonial Policy* (1918), ib, 193-6.



Maoris with an instinctive subtle sympathy (34); but when he was no longer in control the struggle flared up again, until it looked dangerously like a war of extermination. The good sense of the colonists, however, prevailed in time. By the adoption of a sound and constructive native policy they were able to regain the confidence of the Maoris, and the relation between the two peoples today is exceptionally happy.

In South Africa the problem was more complex; for there the white settlers were in a small minority (in the Union now they number only just over two million, to eight million Africans), and they were deeply divided among themselves, Dutch against British. By 1854 four separate European states had grown up—two British colonies, the Cape and Natal, and two Dutch republics, the Transvaal and the Orange Free State. Politically, the modern history of South Africa has been largely determined by the relations between these three groups, Africans, Dutch, and British: economically, by the great mineral discoveries that began in 1867 and are still being made today.

One of the chief questions on which the British and Dutch disagreed was the treatment of the African majority. The native policy pursued by the governments of the Cape and Natal was dominated by the British ideal of trusteeship: that of the Boers by a more primitive paternalism that looked on the Africans as by nature perpetual slaves. They were usually treated mildly by the Boers, but they neither had nor could ever expect any legal rights. Milner (who was British High Commissioner for South Africa from 1897 to 1905) was determined as far as he could to uphold the British ideal of native policy, and in the long diplomatic struggle that preceded the war of 1899–1902 he never lost sight of it. Indeed, he regarded the difference of opinion on this issue between the Boers and the British government as irreconcilable, a fundamental cause of the war (51).

The war was ended by a remarkable treaty of peace (54), the seventh clause of which promised the defeated states the restoration of self-governing institutions. Within five years they had received full colonial self-government, and in 1910

they came together with the Cape and Natal to form the Union of South Africa, a Dominion like Canada, Australia, and New Zealand.

In the twentieth century these Dominions<sup>1</sup> have been turned from self-governing colonies into fully autonomous nations. By 1914 they had complete control of their own affairs except in one sphere—that of foreign policy. Here Great Britain had always maintained that, for the sake of the unity of the Empire, the direction must rest with her. The Dominions were represented by High Commissioners in London (43), who had acquired a diplomatic status and function; but they had not the power of appointing their own ambassadors, and though their representatives, specially nominated, did on occasion negotiate and sign treaties with foreign powers, it was always in association with a British ambassador or minister.

Britain also kept touch with the Dominions by means of the Colonial Conferences, the first of which took place in 1887. These Conferences began tentatively, but the value of their work soon increased; for they enabled the Dominions to express their views on questions of imperial policy, to discuss them among themselves, and sometimes to press them jointly on Great Britain. In 1911 the Dominion prime ministers, who were in London for one of these Conferences, were initiated by Grey, in a private meeting, into some of the important secrets of British foreign policy. During the war of 1914-18, in which the Dominions played a vital part, an Imperial War Conference was held in 1917, and in the same year the Imperial War Cabinet was created. In the peace conferences, again, they acted independently of Great Britain; they signed the treaties separately; they were admitted to separate membership of the League of Nations.

Clearly the Dominions would no longer be content with a wholly subordinate voice in foreign affairs. Britain was willing to recognize that their position had changed. In 1920 she agreed in principle to the appointment of a fully independent Canadian minister in Washington, and three years later the Halibut

<sup>1</sup> The term has been used officially since 1907.

Fishery Treaty between Canada and the United States was signed by the Canadian Minister of Fisheries alone, unassociated with any British colleague.

Britain's approach to this constitutional problem was characteristically empirical: she preferred to deal with each question as it arose, rather than to lay down a strict, definite procedure in advance, by which she must always be bound. But that did not satisfy Canada or the Union of South Africa or the newest of the Dominions, the Irish Free State. They pressed for a written definition of their constitutional status. In 1917 the Imperial Conference had resolved that such a definition should be made by a conference summoned specially for the purpose immediately after the end of the war; but it was not until 1926 that this resolution was put into effect. The Imperial Conference of that year set up an Inter-Imperial Relations Committee, under the chairmanship of Lord Balfour. The committee's report defined Dominion Status (63) and advised that a further conference should be called to consider the limitations on Dominion legislation that still remained and to advise on their maintenance or abolition. This conference met in 1929, and on its report was based the Statute of Westminster of 1931 (66).

The Statute of Westminster is not a statement of theory: it does not provide a "written constitution" for the British Commonwealth, or anything in the least like one. It is a strikingly simple measure, with one practical purpose, stated in the preamble—to ensure "that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion." The Colonial Laws Validity Act of 1865 (41), which had been designed to secure that legislation throughout the Empire should as far as possible be homogeneous, was now repealed as far as the Dominions were concerned. A number of other minor anomalies were removed at the same time.

The passing of the Statute caused no widespread controversy in England, though Mr. Churchill and some other speakers

at Westminster questioned the wisdom of a black-and-white definition, preferring the traditional British method of procedure by discussion and convention.<sup>1</sup> Since then the process of defining these constitutional niceties has been carried further by the Status of the Union Act of 1934 in South Africa and by some of the legislation made necessary in all the Dominions by the abdication of King Edward VIII.

It only remained for a Dominion to secede from the Commonwealth. There has been much argument over the legal right of a Dominion to do so; but the discussion is somewhat academic. If one looks at this problem, as one always must in British constitutional questions, in the light of practice rather than theory, one cannot doubt that a Dominion is at liberty to secede if it wishes to, that since the Dominions are, as the Balfour Report said, "freely associated," they have also the freedom to disassociate. All of them came into the Second World War of their own free decision, with the exception of Eire. She determined to remain neutral, thereby virtually seceding from the Commonwealth; and her choice was respected by Britain, at considerable danger to herself. A more precise statement on the point was made by Sir Stafford Cripps in the course of his mission to India in 1942. When he was asked at one of his Press conferences whether, if India accepted the Dominion Status that was then being offered to her, she would have the right to disown her allegiance to the Crown, he replied unhesitatingly, "Yes. . . . The Dominion will be completely free either to remain within or to go without the Commonwealth of Nations."<sup>2</sup> This was the first time that a British Cabinet Minister had committed himself to an unequivocal statement of opinion on this point. Since then, without protest from Britain, Eire has quietly taken herself out of the Commonwealth.

The secession of Eire from the Commonwealth, and her determination to make her government entirely republican, in

<sup>1</sup> For an interesting selection from the debates on the Statute of Westminster in the Imperial and Dominion parliaments, see A. B. Keith, *Speeches and Documents on the British Dominions 1918-31* (1932), 231-302.

<sup>2</sup> Sir R. Coupland, *The Cripps Mission* (1942), 31.

form as well as in spirit, has led to another constitutional development of the highest significance. India, too, desires to become a republic, but also to remain a member of the Commonwealth. Until now, allegiance to the Crown has always been regarded as the badge of that membership. "This allegiance is the basis of the common status possessed by all subjects of His Majesty."<sup>1</sup> Is it possible for membership of the Commonwealth to be reconciled with a republican form of government, which excludes the King from direct participation? This was the problem considered at the Conference of the Prime Ministers of the Commonwealth held in London in April 1949. A solution was found to it with surprising ease—it was attained because there was a general desire to attain it: common sense and goodwill prevailed. The statement issued after the Conference was over (71) indicates the willingness of the other members of the Commonwealth to keep India at their side, even though her government will in future be republican.

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Until late in the nineteenth century there was little idea of the extension of the principles of self-government beyond the colonies of white settlement. It is true that some far-sighted observers had considered that British authority might ultimately be withdrawn from India and West Africa when the Indians and Africans had been trained to administer their own affairs on European lines (16, 18, 35). But such a consummation appeared extremely distant, and for a time the idea seemed to be in complete abeyance.

It revived in the eighties, in Egypt and India. In Egypt it took the form of a violent nationalist movement, with few constructive political aims beyond the expulsion of foreigners. The quarter-century of Cromer's rule followed, during which the whole Egyptian government was reformed and cleansed. The dishonesty and inefficiency he found everywhere in the country convinced him that it could be governed justly only

<sup>1</sup> *Report of the Conference on Dominion Legislation, 1929*: quoted in Keith, *Speeches and Documents on the British Dominions*, 195.

by an impartial British administration; and he looked on nationalist movements with an amiable contempt. Parliamentary government, in Egypt or in India, seemed to him quite out of the question (57). Yet within five years of his death in 1917, Egypt had acquired a parliament and a large measure of the autonomy her nationalists demanded. Since 1936 she has been a wholly independent state, linked with Britain only by treaty.

The development of the Indian nationalist movement has been even more remarkable, for it faced far greater difficulties, in the size of the country and its political and communal divisions. Yet in just over sixty years (1885-1947) it has attained its objective, the complete independence of India from British control. It would be wrong to suppose that this has been a one-sided process, that the Indian nationalists have all the time been extorting from Britain what she was unwilling to grant. That view shows a failure to understand the British conception of empire. What has happened in India has been the application of the principles worked out in Canada and the other Dominions to the very different conditions of the East.

The Indian National Congress was founded in 1885, as a moderate body at first, with the blessing of the British upon it. In the following year the government of India began to consider a widening of representation, so as to give Indians a more important voice in their own affairs (45). The result was the Act of 1892, which introduced the elective principle into Indian politics. Grave criticism of this measure came from members of all parties in England: even Mr. Gladstone was by no means certain of its wisdom (47).

The government thought it was taking a very cautious step; but it was a momentous decision, and once made it was irrevocable. British statesmen might sincerely protest that parliamentary democracy, based on majority rule, was unsuited to India with its deep and permanent communal divisions (56a, 56b): Balfour's subtle and searching analysis (56c) is indeed, on its assumptions, unanswerable. In order to make elections work at all fairly it was necessary to introduce separate

communal representation for the Moslems and other minorities. None the less, Britain had committed herself to the elective principle, and that, in the British Empire, was bound to lead ultimately to responsible government by the same political logic as had operated in Canada since 1791.

The British government soon faced this fact. In 1917 a Secretary of State for the first time looked forward to "the progressive realization of responsible government in India as an integral part of the British Empire" (58). The Act of 1919 followed, which established a "dyarchy" in the provinces of British India, making the provincial ministers responsible to their elected legislatures for certain defined fields of government, such as education and agriculture, while the control of others—for example, law and order—was retained for the time being in the governors' hands. This was in principle the method proposed by Durham in Canada eighty years before. It was designed to overcome a difficulty that was even more acute in India than it had been in Canada. Indian politicians lacked practical experience of the methods and responsibilities of government: "dyarchy" was intended to provide a safe means for their training.

But all such brakes on the advance to responsible government were regarded by Indian nationalists simply as a denial of their claims, devices for perpetuating British rule. The friction between Indian and British politicians in these years was acute, but it was natural—it might almost be said to be inherent in the British conception of imperial rule. Once Britain had committed herself to democratic self-government as the ultimate goal in India, Indians were encouraged to demand it immediately, and Britain's part became one of preparing the transfer of responsibilities she had previously exercised herself. In India no responsibility is more important than that of securing the just treatment of minorities, and this was more easily achieved by British administrators, alien and impartial, than by Indians, who must always find it difficult to look at the communal struggle with detachment.

The task that Britain has undertaken in India during the

past thirty years has been as difficult and ungrateful as any that has ever fallen on an imperial power. Her administration has been a target for almost universal abuse—from all the major communities and parties in India, from Americans and Chinese and Russians, constantly from Englishmen themselves. Yet successive Secretaries of State and the government of India have held on their way without swerving, and they have achieved their main objective: power has been completely transferred from British to Indian hands, not without the surgical operation of partition, grave disorders and much incidental injustice, yet with a smoothness and goodwill that could hardly have been hoped for after the angry years of quarrel and misunderstanding.

We are too close to this long political struggle today to understand it fully, to appraise all the merits and faults of British rule in India. Some day it will find the great historian it deserves. We may leave it here in five paragraphs of justifiable pride from the report of one of those patient committees that have spent so many weeks and months during the past twenty years in searching into the problems of Indian government (67); and in the bare words of the Act of 1947 that brought the British Raj to an end (69).

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The history of the dependent Empire has been closely similar, in its main lines, to that of British India. There, too, the task of British administration has been first to establish justice and order and then to hold a balance between different communities and interests inside the country. The rapid expansion of European rule in the tropics in the last quarter of the nineteenth century confronted colonial administrators with enormous new tasks. A single example may stand for them all: the control of the liquor traffic in Nigeria (60)—a problem much more complicated than it appears at first sight, raising difficult questions of morality and justice as well as of political expediency. Great Britain has always maintained that these tropical dependencies ought to be developed with a fair regard to the interests both of their own people and of the rest of the



world. That was in Joseph Chamberlain's mind when he spoke of them as "undeveloped estates" in 1895 (49); it was an essential element in the mandate system of the League of Nations; it was developed and systematized by Lord Lugard in his book *The Dual Mandate in British Tropical Africa*, one of the few classics in the literature of colonial administration (61); it lies behind the policy of Colonial Development and Welfare, set out in the Acts of 1929, 1940, and 1945.

In Africa it has usually been necessary to build up a wholly new structure of government from the foundations; but some territories could show a highly developed indigenous political system, which the British administration has maintained on its traditional lines. There is nothing new in the principle of this "indirect rule." It has been applied from time to time in colonial government all over the world—in Natal, for instance, under Shepstone in the 1850s, in Fiji from the beginning of British rule in 1874. There, however, it was a simple matter of practical necessity. The administrative staff was not big enough to allow the erection of an elaborate machine of government: it was therefore obliged to make the greatest possible use of existing institutions. But "indirect rule" was soon developed from a useful expedient into a political philosophy (52). Lugard was its great exponent, first in Uganda (49) and then in Nigeria (59). It was he who showed that the system, beginning as an administrative convenience, could be used as a valuable means for training Africans in self-government.

One great problem has arisen in tropical Africa that has never had to be faced in British India—the problem of white settlement. In the highlands of East and Central Africa it is possible for white men to live in health, and for fifty years now they have been coming to settle and work there. This has greatly increased the difficulty of the British government's task. It cannot allow a small white minority (23,000 in Kenya, against four million Africans) to dominate the colony: yet the Europeans, with their greater skill and resources, have clearly a special contribution to offer to the development of the whole

society, and it is unhealthy that they should be deterred or prevented from making it (65). In Kenya the problem is further complicated by the presence of substantial Indian and Arab minorities (62).

The administration of such "plural societies" must always be a difficult task: it becomes immensely harder as they approach self-government. For in the dependent Empire the same political evolution is to be seen as in the Dominions: representative government in Ceylon has presented the same difficulties as in Canada and India (64a, 64b). Several important attempts have been made to devise new machines of government, suited to local conditions—by the Donoughmore Commission in Ceylon, for instance, in 1928 (64c), and by Sir Arthur Richards in Nigeria in 1944 (68).

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Most of the documents in this book display British imperialism at its best—sensible, practical, just, humane. It is necessary that this should be so, for it is the positive, constructive ideas and achievement of the British Empire that we are concerned with. But it would be wrong to suggest that there has not been another side, too: commercial exploitation and sharp practice, inefficient and top-heavy administration (41), many frontier wars, some of which cannot be justified as defensive, very much of that lack of sympathetic imagination which seems inseparable from human government. And it would be equally wrong to imply that British colonial administration, good or bad, has been torpidly accepted by the British people, without inquiry or comment. That has never been so in the last two centuries. The eighteenth-century humanitarians saw to it that cruelty and misrule in the colonies should not go unchecked, and that colonial officials should never be able to shelter behind the authority of government, pleading a *droit administratif*. It was this above all that lay behind Burke's attack on Warren Hastings—a noble motive that does something to atone for its wrong-headed ferocity. Their successors have been careful to see the same principles maintained (42). This constant criticism by a watchful minority has become

part of the very fabric of British colonial administration. So whether we are looking at the British expansion in Africa in the 1890s (46) or at the treatment of backward peoples (53) or at the Colonial Office itself (22c, 24), there have always been active critics ready to attack the government's policy. Sometimes the attack has come from the government's own political adherents: a recent and striking example is to be found in the Fifth Report of the Select Committee on Estimates (1947-1948), which criticizes severely the handling of the new plans for the development of the dependent Empire (70). And it is subtly appropriate that Lenin should have based much of his acid analysis of imperialism on the work of a British Liberal economist, J. A. Hobson (52).

A foreigner, looking at the documents of our imperial history—especially if he were a Latin—would, I think, be deeply surprised at the lack of wide pronouncements on general questions of policy, the absence of any attempt to formulate a philosophy of colonial government. It is a striking omission. Perhaps it is partly to be accounted for by the pressure of work that the chief servants of the British Empire have almost always lived under. They have so rarely had time to pause and ask themselves questions (though cf. 39). It is also due to the Englishman's notoriously "practical," empirical turn of mind—colonial government has seemed to him not a matter of general principles, but of particular, immediate problems. Yet there are certain general principles that have run through much of British colonial history, as this book will show: the maintenance of even justice between conflicting races (50), creeds, and interests, the establishment of humane standards of behaviour, a steady adherence to the idea of self-government.

If, then, to a foreigner, it is a weakness of British imperialism that it has contributed less than it might to political philosophy, he would probably recognize that its strength has lain in the way it has discharged its responsibilities from day to day. Britain has sent out large numbers of her ablest men to administer her empire overseas. At the top stand men like Warren Hastings and Elgin and Dalhousie and Milner, who

gave the best years of their lives to imperial government when their services could well have been used at home. People have sometimes tried to draw up a balance-sheet of the profits and losses of empire. It is an impossible task, for they can never be assessed with mathematical precision. But on the side of loss must be reckoned this export of so many Englishmen of outstanding character and ability. Other powers have had their great colonial administrators—some of them, like Faidherbe and Lyautey, great men indeed; but none, except perhaps Belgium and Holland in the past forty years, has spared to its empire so high a proportion of its best men as Britain has done during the past two centuries.

One other feature of British imperialism must surely impress an outside observer, too: the remarkable degree of unanimity that is generally to be found behind British imperial policy. It has always had its critics (and needed them), both inside the House of Commons and outside; and there have at times been small groups of "anti-imperialists"—the "Manchester men" in the last century, the left wing of the Labour party more recently. But there has been very little dispute, all the same, about fundamental principles and objectives. The constitutional development of India provides an interesting example. It was a Conservative government that established the principle of election in 1892; the Liberals followed with the Morley-Minto Reforms in 1909; a Coalition was responsible for the Act of 1919; the Conservatives, again, put through the Act of 1935; Sir Stafford Cripps was sent out by a Coalition government in 1942; and it was a Labour government that carried the Indian Independence Act. A clear similarity of principle runs through all these measures; each was a natural consequence of its predecessors, and directly in line with them. Such a steady development, pushed forward by men of opposed political parties, differing widely on many other questions, is possible only because there is deep and general agreement on the aims of British imperial government and the methods by which they are to be attained.

## 1. *Henry VII's Letters Patent to John Cabot, 1496*

HENRY by the grace of God King of England and France and Lord of Ireland, to all to whom these presents shall come, greeting.

Be it known that we have given and granted, and by these presents do give and grant for us and our heirs, to our well beloved John Cabot citizen of Venice, to Lewis, Sebastian, and Santius, sons of the said John, and to the heirs of them and every of them, and their deputies, full and free authority, leave, and power to sail to all parts, countries, and seas of the east, of the west, and of the north, under our banners and ensigns, with five ships of what burthen or quantity soever they be, and as many mariners or men as they will have with them in the said ships, upon their own proper costs and charges, to seek out, discover, and find whatsoever isles, countries, regions, or provinces of the heathen and infidels whatsoever they be, and in what part of the world soever they be, which before this time have been unknown to all Christians. We have granted to them, and also to every of them, the heirs of them, and every of them, and their deputies, and have given them licence to set up our banners and ensigns in every village, town, castle, isle, or mainland of them newly found. And that the aforesaid John and his sons, or their heirs and assigns, may subdue, occupy, and possess all such towns, cities, castles, and isles of them found, which they can subdue, occupy, and possess, as our vassals and lieutenants, getting unto us the rule, title, and jurisdiction of the said villages, towns, castles, and firm land so found. Yet so that the aforesaid John, and his sons and heirs, and their deputies, be holden and bounden of all the fruits, profits, gains, and commodities growing of such navigation, for every their voyage, as often as they shall arrive at our port of Bristol (at the which port they shall be bound and holden only to arrive), all manner of necessary costs and charges by them made, being deducted, to pay unto

us in wares or money the fifth part of the capital gain so gotten. We giving and granting unto them and to their heirs and deputies that they shall be free from all paying of customs of all and singular such merchandise as they shall bring with them from those places so newly found. And moreover, we have given and granted to them, their heirs and deputies, that all the firm lands, isles, villages, towns, castles, and places whatsoever they be, that they shall chance to find, may not of any other of our subjects be frequented or visited without the licence of the aforesaid John and his sons, and their deputies, under pain of forfeiture as well of their ships as of all and singular goods of all them that shall presume to sail to those places so found. Willing, and most straitly commanding, all and singular our subjects, as well on land as on sea, to give good assistance to the aforesaid John and his sons and deputies, and that as well in arming and furnishing their ships or vessels as in provision of food and in buying of victuals for their money and all other things by them to be provided necessary for the said navigation, they do give them all their help and favour. In witness whereof we have caused to be made these our letters patents. Witness ourself at Westminster the fifth day of March, in the eleventh year of our reign.

English translation from the Latin original in  
R. HAKLUYT, *Principal Navigations* (1904 ed.), vii, 143-4.

## 2. *Gilbert Takes Possession of St. John's in Newfoundland, 1583*

HAVING taken place convenient in the road, we let fall anchors, the captains and masters repairing aboard our admiral: whither also came immediately the masters and owners of the fishing fleet of Englishmen to understand the General's intent and cause of our arrival there. They were all satisfied when the General had showed his commission and purpose to take possession of those lands to the behalf of the crown of England

and the advancement of Christian religion in those paganish regions, requiring but their lawful aid for repairing of his fleet and supply of some necessaries, so far as conveniently might be afforded him, both out of that and other harbours adjoining. In lieu whereof, he made offer to gratify them with any favour and privilege which upon their better advice they should demand, the like being not to be obtained hereafter for greater price. So craving expedition of his demand, minding to proceed further south without long detention in those parts, he dismissed them, after promise given of their best endeavour to satisfy speedily his so reasonable request. The merchants with their masters departed, they caused forthwith to be discharged all the great ordnance of their fleet in token of our welcome. . . .

The next morning being Sunday and the 4. of August, the General and his company were brought on land by English merchants, who showed unto us their accustomed walks unto a place they call the Garden. But nothing appeared more than Nature itself without art: who confusedly hath brought forth roses abundantly, wild, but odoriferous, and to sense very comfortable. Also the like plenty of raspberries, which do grow in every place.

Monday following, the General had his tent set up, who being accompanied with his own followers summoned the merchants and masters, both English and strangers, to be present at his taking possession of those countries. Before whom openly was read and interpreted unto the strangers his commission: by virtue whereof he took possession in the same harbour of S. John, and 200 leagues every way, invested the Queen's Majesty with the title and dignity thereof, had delivered unto him (after the custom of England) a rod and a turf of the same soil, entering possession also for him, his heirs and assigns, for ever: and signified unto all men that from that time forward they should take the same land as a territory appertaining to the Queen of England, and himself authorized under Her Majesty to possess and enjoy it. And to ordain laws for the government thereof, agreeable (so near as conveniently

might be) unto the laws of England, under which all people coming thither hereafter, either to inhabit or by way of traffic, should be subjected and governed. And especially at the same time for a beginning he proposed and delivered three laws to be in force immediately. That is to say: the first for religion, which in public exercise should be according to the Church of England. The 2. for maintenance of Her Majesty's right and

sounding to the dishonour of Her Majesty, he should lose his ears, and have his ship and goods confiscate.

These contents published, obedience was promised by general voice and consent of the multitude as well of Englishmen as strangers, praying for continuance of this possession and government begun. After this, the assembly was dismissed. And afterward were erected not far from that place the arms of England engraven in lead and infixed upon a pillar of wood. Yet further and actually to establish this possession taken in the right of Her Majesty, and to the behoof of Sir Humfrey Gilbert knight, his heirs and assigns for ever, the General granted in fee farm divers parcels of land lying by the water side, both in this harbour of S. John and elsewhere, which was to the owners a great commodity, being thereby assured (by their proper inheritance) of grounds convenient to dress and to dry their fish, whereof many times before they did fail, being prevented by them that came first into the harbour. For which grounds they did covenant to pay a certain rent and service unto Sir Humfrey Gilbert, his heirs or assigns for ever, and yearly to maintain possession of the same by themselves or their assigns.

R. HAKLUYT, *Principal Navigations* (1904 ed.), viii, 52-5.



### 3. *The Case for Colonization in North America*

*A particular discourse concerning the great necessity and manifold commodities that are like to grow to this realm of England by the western discoveries lately attempted, written in the year 1584 by Richard Hakluyt of Oxford at the request and direction of the right worshipful Mr. Walter Raleigh now knight, before the coming home of his two barks: and is divided into xxi chapters, the titles whereof follow in the next leaf.*

1. That this western discovery will be greatly for the enlargement of the gospel of Christ whereunto the princes of the reformed religion are chiefly bound amongst whom Her Majesty is principal.

2. That all other English trades are grown beggarly or dangerous, especially in all the king of Spain his dominions, where our men are driven to fling their Bibles and prayer books into the sea, and to forswear and renounce their religion and conscience and consequently their obedience to Her Majesty.

3. That this western voyage will yield unto us all the commodities of Europe, Africa, and Asia, as far as we were wont to travel, and supply the wants of all our decayed trades.

4. That this enterprise will be for the manifold employment of numbers of idle men, and for breeding of many sufficient, and for utterance of the great quantity of the commodities of our realm.

5. That this voyage will be a great bridle to the Indies of the King of Spain and a mean that we may arrest at our pleasure for the space of ten weeks or three months every year one or two hundred sail of his subjects' ships at the fishing in Newfoundland.

6. That the mischief that the Indian treasure wrought in time of Charles the late emperor, father to the Spanish king, is to be had in consideration of the Queen's most excellent

#### 4. *The East India Company's Charter, 1600*

ELIZABETH, by the grace of God queen of England, France, and Ireland, Defender of the Faith, etc. To all our officers, ministers, and subjects, and to all other people, as well within this our realm of England as elsewhere, under our obedience and jurisdiction, or otherwise, unto whom these our letters patents shall be seen, showed, or read, greeting. Whereas our most dear and loving cousin, George, Earl of Cumberland, and our well-beloved subjects [here follow 217 names] . . . have of our certain knowledge been petitioners unto us for our royal assent and licence to be granted unto them, that they, at their own adventures, costs, and charges, as well for the honour of this our realm of England as for the increase of our navigation and advancement of trade of merchandise within our said realms and the dominions of the same, might adventure and set forth one or more voyages, with convenient number of ships and pinnaces, by way of traffic and merchandise to the East Indies, in the countries and parts of Asia, and Africa and to as many of the islands, ports, and cities, towns, and places, therabouts, as where trade and traffic may by all likelihood be discovered, established, or had; divers of which countries, and many of the islands, cities, and ports thereof, have long since been discovered by others of our subjects, albeit not frequented in trade of merchandise.

Know ye therefore that we, greatly tendering the honour of our nation, the wealth of our people, and the encouragement of them and others of our loving subjects in their good enterprises, for the increase of our navigation and the advancement of lawful traffic, to the benefit of our common wealth, have of our especial grace, certain knowledge, and mere motion, given and granted, and by these presents for us, our heirs and successors, do give and grant unto our said loving subjects, before in these presents expressly named, that they and every of them from henceforth be and shall be one body corporate and politic,

in deed and in name, by the name of the Governor and Company of Merchants of London, Trading into the East Indies. . . .

And further, we will, and by these presents for us, our heirs and successors, we do ordain, that there shall be from henceforth one of the same Company to be elected and appointed in such form as hereafter in these presents is expressed, which shall be called the Governor of the said Company, and that there shall be from henceforth Twenty-Four of the said Company, to be elected and appointed in such form as hereafter in these presents is expressed, which shall be called the Committees of the said Company, who together with the Governor of the said Company for the time being shall have the direction of the voyages of or for the said Company, and the provision of the shipping and merchandises thereto belonging, and also the sale of all merchandises returned in the voyages of or for the said Company, and the managing and handling of all other things belonging to the said Company; and for the better execution of this our will and grant in this behalf . . . we do assign, nominate, constitute, and make the said Thomas Smith, alderman of London, to be the first and present Governor of the said Company . . .; and also . . . we do assign, nominate, constitute, and make the said Paul Banning, Leonard Hollyday, John Moore, Edward Holmeden, Richard Staper, Thomas Cordell, William Garway, Oliver Style, James Lancaster, Richard Wiseman, Francis Cherry, Thomas Allabaster, William Romney, Roger How, William Chambers, Robert Sandye, John Eldred, Richard Wiche, John Hylord, John Middleton, John Comb, William Harrison, Nicholas Ling, and Robert Bell, to be the twenty-four first and present Committees of the said Company, to continue in the said office of Committees of the said Company from the date of these presents for one whole year next following. . . .

And further we will and grant . . . unto the said Governor and Company of Merchants of London, Trading into the East Indies, and their successors, that they or the greater part of them, whereof the Governor for the time being or his Deputy to be one, from time to time, and at all times hereafter, shall

and may have authority and power, yearly and every year, on the first day of July, or at any time within six days after that day, to assemble and meet together in some convenient place to be appointed from time to time by the Governor, or in his absence by the Deputy of the said Governor for the time being, and that they being so assembled, it shall and may be lawful to and for the said Governor, or Deputy of the said Governor, and the said Company for the time being, or the greater part of them, which shall then happen to be present, whereof the Governor of the said Company or his Deputy for the time being to be one, to elect and nominate one of the said Company which shall be Governor of the said Company for one whole year from thence next following. . . .

And further we will and grant . . . unto the said Governor and Company of Merchants of London, Trading into the East Indies, and their successors, that the said Governor, or the Deputy of the said Governor, and the Company and their successors for the time being, or the greater part of them . . . shall and may, from time to time and at all times hereafter, have authority and power, yearly and every year, on the first day of July or at any time within six days after that day, to assemble and meet together in some convenient place . . . ; and that they being so assembled, it shall and may be lawful to and for the said Governor or his Deputy, and the Company for the time being, or the greater part of them, which then shall happen to be present, whereof the Governor of the said Company or his Deputy for the time being to be one, to elect and nominate twenty-four of the said Company, which shall be Committees of the said Company for one whole year from thence next ensuing. . . .

And further we do . . . will and grant unto the said Governor and Company of Merchants of London, Trading into the East Indies, and their successors, that they . . . and every of them, and all the sons of them, and every of them, at their several ages of one and twenty years or upwards, and further, all such the apprentices, factors, or servants of them . . . which shall hereafter be employed by the said Governor and

Company in the said trade of merchandise of or to the East Indies . . . shall and may by the space of fifteen years from the feast of the birth of our Lord God last past before the date hereof, freely traffic and use the trade of merchandise by seas, in and by such ways and passages . . . as they shall esteem and take to be fittest into and from the said East Indies in the countries and parts of Asia and Africa and into and from all the islands, ports, havens, cities, creeks, towns, and places of Asia and Africa and America, or any of them, beyond the Cape of Bona Esperanza to the Straits of Magellan, where any trade or traffic of merchandise may be used or had. . . . So always the same trade be not undertaken nor addressed to any country, island, port, haven, city, creek, town, or place already in the lawful and actual possession of any such Christian prince or state as at this present is or at any time hereafter shall be in league or amity with us, our heirs or successors, and who doth not or will not accept of such trade, but doth overtly declare and publish the same to be utterly against his or their good-will and liking.

And further . . . we do grant unto the said Governor and Company of Merchants of London, Trading to the East Indies, . . . that it shall and may be lawful to and for the said Governor and Company and their successors from time to time to assemble themselves for or about any the matters, causes, affairs, or businesses of the said trade in any place or places . . . within our dominions or elsewhere, and there to hold court for the said Company and the affairs thereof; and that also it shall and may be lawful to and for them or the more part of them, being so assembled . . . to make, ordain, and constitute such and so many reasonable laws, constitutions, orders, and ordinances as to them, or the greater part of them being then and there present, shall seem necessary and convenient for the good government of the same Company and of all factors, masters, mariners, and other officers employed or to be employed in any of their voyages . . . and the same laws, constitutions, orders, and ordinances, so made, to put in use and execute accordingly, and at their pleasure to revoke or

alter the same, or any of them, as occasion shall require. . . .

And further we . . . do grant unto the said Governor and Company of Merchants of London, Trading into the East Indies, and their successors, that they and their successors and their factors, servants, and assigns . . . shall, for the said term of fifteen years, have, use, and enjoy the whole, entire, and only trade and traffic, and the whole, entire, and only liberty, use, and privilege of trading and trafficking and using feat and trade of merchandise to and from the said East Indies and to and from all the islands, ports, havens, cities, towns, and places aforesaid, in such manner and form as is above mentioned. . . .

And we . . . do grant to the said Governor and Company of Merchants of London, Trading into the East Indies, and to their successors, that the said East Indies, nor the islands, havens, ports, cities, towns, or places thereof, nor of any part thereof, shall not be visited, frequented, or haunted by any of the subjects of us, our heirs or successors, during the same term of fifteen years, contrary to the true meaning of these presents: and by virtue of our prerogative royal, which we will not in that behalf have argued or brought in question, we straightly charge, command, and prohibit, for us, our heirs and successors, . . . of what degree or quality soever they be, that none of them directly or indirectly do visit, haunt, frequent, or trade, traffic, or adventure by way of merchandise into or from any of the said East Indies . . . other than the said Governor and Company of Merchants of London, Trading into the East Indies, and such particular persons as now be or hereafter shall be of that Company their agents, factors, and assigns, during the said term of fifteen years, unless it be by and with such licence and agreement of the said Governor and Company of Merchants of London, Trading into the East Indies, in writing first had and obtained, under their common seal. . . .

And the said Governor and Company of Merchants of London, Trading into the East Indies, for them and their successors, do by these presents covenant, promise, and grant to and with us, our heirs and successors, that they the said

Governor and Company and their successors in all and every such voyages as they at any time or times hereafter during the said term shall make out of this realm . . . the first voyage only excepted, shall and will . . . bring into this our realm of England from the said East Indies, or from some other parts beyond the seas, out of our dominions, as great or greater value in bullion of gold or silver, or other foreign coin of gold or silver respectively . . . as shall be by force of these presents transported and carried out of this realm by them or any of them . . . in any of the said voyages. . . .

In witness whereof, we have caused these our letters to be made patents. Witness Ourselves at Westminster, the thirty-first day of December, in the three and fortieth year of our reign.

J. SHAW (ed.), *Charters Relating to the East India Company* (1887), 1-15.

### 5. *The Legislative Assembly at Jamestown, 1619*

*Friday, 30 July 1619.* The most convenient place we could find to sit in was the quire of the church, where Sir George Yeardley the governor being set down in his accustomed place, those of the Council of Estate sat next him on both hands except only the secretary then appointed Speaker, who sat right before him; John Twine, Clerk of the General Assembly, being placed next the Speaker, and Thomas Pierse the Sergeant standing at the bar, to be ready for any service the Assembly should command him. But for as much as men's affairs do little prosper where God's service is neglected, all the burgesses took their place in the quire till a prayer was read by Mr. Buck, the minister, that it would please God to guide us and sanctify all our proceedings to his own glory and the good of this plantation. Prayer being ended, to the intent that as we had begun at God Almighty so we might proceed with awful and due respect towards his lieutenant, our most gracious and dread sovereign, all the burgesses were entreated to retire

themselves into the body of the church; which being done, before they were fully admitted they were called in order and by name, and so every man (none staggering at it) took the Oath of Supremacy, and then entered the Assembly. At Capt. Ward the Speaker took exception. . . . So Capt. Ward was commanded to absent himself, till such time as the Assembly had agreed what was fit for him to do. After much debate they resolved on this order following. . . . To this Capt. Ward, in the presence of us all, having given his consent and undertaken to perform the same, was together with his lieutenant by the voices of the whole Assembly first admitted to take the Oath of Supremacy and then to make up their number and to sit amongst them. . . .

These obstacles removed, the Speaker, who a long time had been extreme sickly, and therefore not able to pass through long harangues, delivered in brief to the whole Assembly the occasions of their meeting. Which done he read unto them the commission for establishing the Council of Estate and the General Assembly, wherein their duties were described to the life.

Having thus prepared them, he read over unto them the great charter or commission of privileges, orders, and laws, sent by Sir George Yeardley out of England, which for the more ease of the committees having divided into four books, he read the former two the same forenoon, for expedition's sake, a second time over, and so they were referred to the perusal of two committees, which did reciprocally consider of either and accordingly brought in their opinions. But some man may here object to what end we should presume to refer that to the examination of committees which the Council and Company in England had already resolved to be perfect and did expect nothing but our assent thereunto. To this we answer that we did it not to the end to correct or control anything therein contained, but only in case we should find aught not perfectly squaring with the state of this colony, or any law which did press or bind too hard, that we might by way of humble petition seek to have it redressed; especially because this great charter is to bind us and our heirs for ever. . . .



*Saturday, 31 July.* . . . At the same time, there remaining no farther scruple in the minds of the Assembly touching the said great charter of laws, orders, and privileges, the Speaker put the same to the question, and so it had both the general assent and the applause of the whole assembly; who as they professed themselves in the first place most submissively thankful to Almighty God therefor, so they commanded the Speaker to return (as now he doth) their due and humble thanks to the Treasurer, Council, and Company for so many privileges and favours as well in their own names as in the names of the whole colony whom they represented.

This being dispatched, we fell once more to debating of such instructions given by the Council in England to several governors as might be converted into laws, the last whereof was the establishment of the price of tobacco, namely of the best at 3s. and of the second at 18d. the pound.

H. R. MCILWAINE (ed.), *Journals of the House of Burgesses of Virginia 1619-1658/59* (1925), 4-8.

6. *The Navigation Act, 1660*  
(12 Car. II, c. 18.)

*An Act for the encouraging and increasing of shipping and navigation.*

For the increase of shipping and encouragement of the navigation of this nation, wherein, under the good providence and protection of God, the wealth, safety, and strength of this kingdom is so much concerned: be it enacted by the King's most excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by the authority thereof, that from and after the first day of December one thousand six hundred and sixty, and from thenceforward, no goods or commodities whatsoever shall be imported into or exported out of any lands, islands, plantations, or territories to His Majesty belonging or in his possession, or which may hereafter

belong unto or be in the possession of His Majesty, his heirs and successors, in Asia, Africa, or America, in any other ship or ships, vessel or vessels whatsoever, but in such ships or vessels as do truly and without fraud belong only to the people of England or Ireland, dominion of Wales or town of Berwick-upon-Tweed, or are of the built of and belonging to any the said lands, islands, plantations, or territories, as the proprietors and right owners thereof, and whereof the master and three-fourths of the mariners at least are English; under the penalty of the forfeiture and loss of all the goods and commodities which shall be imported into or exported out of any the aforesaid places in any other ship or vessel, as also of the ship or vessel, with all its guns, furniture, tackle, ammunition, and apparel; one third part thereof to His Majesty, his heirs and successors; one third part to the governor of such land, plantation, island or territory where such default shall be committed, in case the said ship or goods be there seized, or otherwise that third part also to His Majesty, his heirs and successors; and the other third part to him or them who shall seize, inform, or sue for the same in any court of record, by bill, information, plaint, or other action.

II. And be it enacted that no alien or person not born within the allegiance of our sovereign lord the King, his heirs and successors, or naturalised, or made a free denizen, shall from and after the first day of February, which will be in the year of Our Lord one thousand six hundred sixty-one, exercise the trade or occupation of a merchant or factor in any the said places. . . .

XVIII. And it is further enacted by the authority aforesaid that from and after the first day of April which shall be in the year of Our Lord one thousand six hundred sixty-one, no sugars, tobacco, cotton-wool, indigoes, ginger, fustick, or other dyeing wood, of the growth, production, or manufacture of any English plantations, in America, Asia, or Africa, shall be shipped, carried, conveyed, or transported from any of the said English plantations to any land, island, territory, dominion, port, or place whatsoever, other than to such other English

plantations as do belong to His Majesty, his heirs and successors, or to the kingdom of England or Ireland, or principality of Wales, or town of Berwick-upon-Tweed, there to be laid on shore, under the penalty of the forfeiture of the said goods, or the full value thereof, as also of the ship, with all her guns, tackle, apparel, ammunition, and furniture; the one moiety to the King's Majesty, his heirs and successors, and the other moiety to him or them that shall seize, inform, or sue for the same in any court of record, by bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.

## *7. The East India Company's Administration of Bengal*

Sir,

Suffer an admirer of yours at this distance to congratulate himself on the glory and advantage which are likely to accrue to the nation by your being at its head, and at the same to return his most grateful thanks for the distinguished manner you have been pleased to speak of his successes in these parts, far indeed beyond his deservings.

The close attention you bestow on the affairs of the British nation in general has induced me to trouble you with a few particulars relative to India, and to lay before you an exact account of the revenues of this country, the genuineness whereof you may depend upon, as it has been faithfully extracted from the Minister's books.

The great revolution that has been effected here by the success of the English arms, and the vast advantages gained to the Company by a treaty concluded in consequence thereof, have, I observe, in some measure, engaged the public attention; but much more may yet in time be done, if the Company will exert themselves in the manner the importance of their present possessions and future prospects deserves. I have represented to them in the strongest terms the expediency of sending out and keeping up constantly such a force as will enable them to embrace the first opportunity of further aggrandizing them-

selves; and I dare pronounce, from a thorough knowledge of this country government, and of the genius of the people, acquired by two years' application and experience, that such an opportunity will soon offer. The reigning Subah, whom the victory at Plassey invested with the sovereignty of these provinces, still, it is true, retains his attachment to us, and probably, while he has no other support, will continue to do so; but Musselmans are so little influenced by gratitude, that should he ever think it his interest to break with us, the obligations he owes us would prove no restraint: and this is very evident from his having lately removed his Prime Minister, and cut off two or three principal officers, all attached to our interest, and who had a share in his elevation. Moreover, he is advanced in years; and his son is so cruel, worthless a young fellow, and so apparently an enemy to the English, that it will be almost unsafe trusting him with the succession. So small a body as two thousand Europeans will secure us against any apprehensions from either the one or the other; and, in case of their daring to be troublesome, enable the Company to take the sovereignty upon themselves.

There will be the less difficulty in bringing about such an event, as the natives themselves have no attachment whatever to particular princes; and as, under the present Government, they have no security for their lives or properties, they would rejoice in so happy an exchange as that of a mild for a despotic Government: and there is little room to doubt our easily obtaining the Moghul's sunnud (or grant) in confirmation thereof, provided we agreed to pay him the stipulated allotment out of the revenues, viz. fifty lacs annually.<sup>1</sup> This has, of late years, been very ill-paid, owing to the distractions in the heart of the Mogbul Empire, which have disabled that court from attending to their concerns in the distant provinces: and the Vizier has actually wrote to me, desiring I would engage the Nabob to make the payments agreeable to the former usage. Nay, further: application has been made to me from the Court of Delhi, to take charge of collecting this

<sup>1</sup> One lac = 100,000 rupees.

payment, the person entrusted with which is styled the King's Dewan, and is the next person both in dignity and power to the Subah. But this high office I have been obliged to decline for the present, as I am unwilling to occasion any jealousy on the part of the Subah; especially as I see no likelihood of the Company's providing us with a sufficient force to support properly so considerable an employ, and which would open a way for securing the Subahship to ourselves. That this would be agreeable to the Moghul can hardly be questioned, as it would be so much to his interest to have these countries under the dominion of a nation famed for their good faith, rather than in the hands of people who, a long experience has convinced him, never will pay him his proportion of the revenues, unless awed into it by the fear of the imperial army marching to force them thereto.

But so large a sovereignty may possibly be an object too extensive for a mercantile Company; and it is to be feared they are not of themselves able, without the nation's assistance, to maintain so wide a dominion. I have therefore presumed, Sir, to represent this matter to you, and submit it to your consideration, whether the execution of a design, that may hereafter be still carried to greater lengths, be worthy of the Government's taking it into hand. I flatter myself I have made it pretty clear to you, that there will be little or no difficulty in obtaining the absolute possession of these rich kingdoms; and that with the Moghul's own consent, on condition of paying him less than a fifth of the revenues thereof. Now I leave you to judge, whether an income yearly of upwards of two millions sterling, with the possession of three provinces abounding in the most valuable productions of nature and of art, be an object deserving the public attention; and whether it be worth the nation's while to take the proper measures to secure such an acquisition—an acquisition which, under the management of so able and disinterested a minister, would prove a source of immense wealth to the kingdom, and might in time be appropriated in part as a fund towards diminishing the heavy load of debt under which we at present labour. Add to these

advantages the influence we shall thereby acquire over the several European nations engaged in the commerce here, which these could no longer carry on but through our indulgence, and under such limitations as we should think fit to prescribe. It is well worthy consideration, that this project may be brought about without draining the mother country, as has been too much the case with our possessions in America. A small force from home will be sufficient, as we always make sure of any number we please of black troops, who, being both much better paid and treated by us than by the country powers, will very readily enter into our service. Mr. Walsh, who will have the honour of delivering you this, having been my secretary during the late fortunate expedition, is a thorough master of the subject, and will be able to explain to you the whole design, and the facility with which it may be executed, much more to your satisfaction, and with greater perspicuity, than can possibly be done in a letter. I shall therefore only further remark, that I have communicated it to no other person but yourself; nor should I have troubled you, Sir, but from a conviction that you will give a favourable reception to any proposal intended for the public good. . . .

May the zeal and the vigorous measures, projected for the service of the nation, which have so eminently distinguished your ministry, be crowned with all the success they deserve, is the most fervent wish of him who is, with the greatest respect,

Sir,

Your most devoted humble servant,

ROBT. CLIVE.

Calcutta, 7 January 1759.

Clive to Pitt, 7 January 1759: SIR JOHN MALCOLM,  
*The Life of Robert, Lord Clive* (1836), ii, 119-25.

## 8. *The Commercial Relations Between Britain and the American Colonies*

THE laws of trade respecting America were framed and enacted for the regulating *mere plantations*, tracts of foreign country, employed in raising certain specified and enumerated commodities, solely for the use of the trade and manufactures of the mother country, the purchase of which the mother country appropriated to itself. These laws considered plantations as a kind of farms, which the mother country had caused to be worked and cultured for its own use. But the spirit of commerce, operating on the nature and situation of these external dominions, beyond what the mother country or the colonists themselves ever thought of, planned, or even hoped for, has wrought up these plantations to become objects of trade; has enlarged and combined the intercourse of the barter and exchange of the various produce into a very complex and extensive commercial interest. The operation of this spirit has in every source, interest, and power raised and established the *British government on a grand commercial basis*, has by the same power to the true purposes of the same interest extended the British dominions through every part of the Atlantic Ocean to the actually forming A GRAND MARINE EMPIRE, if the administration of our government will do their part by extending the British government to wheresoever the British dominions do extend. If, on the contrary, we are predetermined to carry into strict and literal exaction the Navigation Act and other laws respecting the plantation trade, without reviewing and considering what the very different circumstances of the colonies now are from what they were when they were first settled . . . , we must determine to reduce our colonies again to such mere plantations. We must either narrow the bottom of our commercial interest to the model of our plantation laws, or we must enlarge the spirit of our commercial laws to that latitude to which our commercial interest does actually

extend. Thus stands the fact. 'This is the truth. There is no other alternative.

T. POWNALL, *The Administration of the Colonies* (ed. 4, 1768), 282-4.<sup>1</sup>

### 9. *The Independent Spirit of the American Colonies*

It has often been suggested that care should be taken in the administration of the plantations lest, in some future time, these colonies should become independent of the mother country. But perhaps it may be proper on this occasion, nay it is justice to say it, that if by becoming independent is meant a revolt, nothing is further from their nature, their interest, their thoughts. If a defection from the alliance of the mother country be suggested, it ought to be, and can be, truly said that their spirit abhors the sense of such; their attachment to the Protestant succession in the house of Hanover will ever stand unshaken; and nothing can eradicate from their hearts their natural, almost mechanical, affection to Great Britain, which they conceive under no other sense, nor call by any other name, than that of *home*. Besides, the merchants are, and must ever be, in great measure allied with those of Great Britain; their very support consists in this alliance, and nothing but false policy here can break it. If the trade of the colonies be protected and directed from hence, with the true spirit of the Act of Navigation, that spirit under which it has risen, no circumstances of trade could tempt the colonists to certain ruin under any other connection. The liberty and religion of the British colonies are incompatible with either French or Spanish government; and they know full well that they could hope for neither liberty nor protection under a Dutch one. Any such suggestion, therefore, is a false and unjust aspersion

<sup>1</sup> Pownall's views are of particular importance from his first-hand acquaintance with the American colonies. He was in America from 1753 to 1760, and for nearly three years (February 1757 to November 1759) Governor of Massachusetts.



on their principles and affections, and can arise from nothing but an entire ignorance of their circumstances. Yet again, on the other hand, while they remain under the support and protection of the government of the mother country; while they profit of the beneficial part of its trade; while their attachment to the present royal family stands firm, and their alliance with the mother country is inviolate, it may be worth while to inquire whether they may not become and act independent of the *government and laws* of the mother country: and if any such symptoms should be found, either in the government, courts, or trade, perhaps it may be thought high time, even now, to inquire how far these colonies are or are not arrived, at this time, at an independency of the government of the mother country: and if any measure of such independency, formed upon precedents unknown to the government of the mother country at the time they were formed, should be insisted on, when the government of the mother country was found to be so weak or distracted at home, or so deeply engaged abroad in Europe, as not to be able to attend to and assert its rights in America with its own people: perhaps it may be thought that no time should be lost to remedy or redress these deviations—if any such be found; or to remove all jealousies arising from the idea of them, if none such really exist.

If the colonies are to be possessed as of right and governed by the crown, as demesnes of the crown, by such charters, commissions, instructions, etc., as the crown shall, from time to time, grant or issue; then a revision of these charters, commissions, instructions, so as to establish the rights of the crown and the privileges of the people, as thereby created, is all that is necessary. But while the crown may, perhaps justly and of right, *in theory* consider these lands and the plantations thereon as its demesnes, and as of special right properly belonging to it; not incorporated and of common right with the dominions and realm of Great Britain: in consequence of which theory special rights of the crown are there established, and from which theory the special modification under which the people possess their privileges is derived. While this is the idea on

one hand, the people on the other say that they could not forfeit nor lose the common rights and privileges of Englishmen by adventuring under various disasters and difficulties, under heavy expenses and every hazard, to settle these vast countries, to engage in untried channels of labour, thereby increasing the nation's commerce and extending its dominions; but that they must carry with them, wherever they go, the right of being governed only by the laws of the realm, only by laws made with their own consent: that they must ever retain with them the right of not being taxed without their own consent, or that of their representatives; and therefore, as it were by nature divided off from the share of the general representation of the nation, they do not hold, by tenour of

therefore that the people do, and ever will, until this matter be settled, exercise these rights and privileges after the precedents formed here in England, and perhaps carried, in the application, even further than they ever were in England, and not under the restriction of commissions and instructions: and it is, therefore, also in matters where laws, made since their establishment, do not extend to them by special proviso, that they claim the right of directing themselves by their own laws. While these totally different ideas of the principles whereon the government and the people found their claims and rights remain unsettled and undetermined, there can be nothing but discordant jarring and perpetual obstruction in the exercise of them; there can be no government, properly so called, but merely the predominancy of one faction or the other, acting under the mask of the forms of government. This is the short and precise abstract of the long and perplexed history of the governments and administrations of the colonies, under the various shapes with which their quarrels have vexed themselves and teased government here in Britain.

T. FOWNALL, *The Administration of the Colonies* (ed. 2, 1765), 28-32.

## 10. *American Independence and British Sovereignty*

If it should be thought difficult and hazardous to extend the legislative rights, privileges, and pre-eminences, the true Imperium of government, to wheresoever the dominions of the state extend, the administration must be content to go on in this Ptolemaic system of policy, as long as the various centres and systems shall preserve their due order and subordination: or to speak in a more apposite idea, if we would keep the basis of this realm confined to this island, while we extend the superstructure, by extending our dominions, we shall invert the pyramid (as Sir William Temple expresses it) and must in time subvert the government itself. If we choose to follow the example of the Romans, we must expect to follow their fate.

Would statesmen, on the other hand, doubt for a while the predetermined modes which artificial systems prescribe, would they dare to look for truth in the nature of things, they would soon adopt what is right, as founded upon fact. They would be naturally led into the true system of government by following *with the powers of the state* where the actual and *real powers of the system of things* lead to. They would see that by the various and mutual interconnections of the different parts of the British dominions throughout the Atlantic and in America; by the intercommunion and reciprocation of their alternate wants and supplies; by the combination and subordination of their several interests and powers; by the circulation of their commerce, revolving in an orbit which hath Great Britain for its centre: that there does exist in fact, in nature, a real union and incorporation of all these parts of the British dominions, *an actual system of dominion*, which wants only to be avowed and actuated by the real spirit in which it moves and has its being; by that spirit, which is the genuine spirit of the British constitution; by that spirit from which the British government hath arisen to what it is: by the spirit of extending the basis of its representative legislature through

all the parts to wheresoever the rights, interest, or power of its dominions extend, so as to form (I cannot too often inculcate the idea) A GRAND MARINE DOMINION, CONSISTING OF OUR POSSESSIONS IN THE ATLANTIC AND IN AMERICA, UNITED INTO A ONE EMPIRE, IN A ONE CENTRE, WHERE THE SEAT OF GOVERNMENT IS.

T. POWNALL, *The Administration of the Colonies* (ed. 4, 1768), 162-4.

11. *The Quebec Act, 1774*  
(14 Geo. III, c. 83.)

*An Act for making more effectual provision for the Government of the province of Quebec in North America.*

WHEREAS His Majesty, by his royal proclamation, bearing date the seventh day of October in the third year of his reign, thought fit to declare the provisions which had been made in respect to certain countries, territories, and islands in America, ceded to His Majesty by the definitive treaty of peace, concluded at Paris on the tenth day of February, one thousand seven hundred and sixty-three: and whereas, by the arrangements made by the said royal proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left, without any provision being made for the administration of civil government therein; and certain parts of the territory of Canada, where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said province of Canada, under grants and concessions from the government thereof, were annexed to the government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries: may it therefore please Your most excellent Majesty that it may be enacted; and be it enacted by

the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that all the territories, islands, and countries in North America belonging to the Crown of Great Britain, bounded on the south by a line [*here follows an exact definition of the boundaries of the territory to which this Act applies*] . . . and also all such territories, islands, and countries, which have, since the tenth of February, one thousand seven hundred and sixty-three, been made part of the government of Newfoundland, be, and they are hereby, during His Majesty's pleasure, annexed to, and made part and parcel of, the province of Quebec, as created and established by the said royal proclamation of the seventh of October, one thousand seven hundred and sixty-three. . . .

IV. And whereas the provisions, made by the said proclamation, in respect to the civil government of the said province of Quebec, and the powers and authorities given to the governor and other civil officers of the said province, by the grants and commissions issued in consequence thereof, have been found upon experience to be inapplicable to the state and circumstances of the said province, the inhabitants whereof amounted, at the conquest, to above sixty-five thousand persons professing the religion of the Church of Rome, and enjoying an established form of constitution and system of laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said province of Canada: be it therefore further enacted by the authority aforesaid that the said proclamation, so far as the same relates to the said province of Quebec, and the commission under the authority whereof the government of the said province is at present administered, and all and every the ordinance and ordinances made by the Governor and Council of Quebec for the time being, relative to the civil government and administration of justice in the said province, and all commissions to judges and other officers thereof be, and at the same time are hereby revoked, annulled,

and made void, from and after the first day of May, one thousand seven hundred and seventy-five.

V. And, for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared that His Majesty's subjects professing the religion of the Church of Rome, of and in the said province of Quebec, may have, hold, and enjoy, the free exercise of the religion of the Church of Rome, subject to the King's supremacy, declared and established by an Act, made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did, or thereafter should, belong to the imperial Crown of this realm; and that the clergy of the said church may hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said religion.

VI. Provided, nevertheless, that it shall be lawful for His Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights for the encouragement of the Protestant religion, and for the maintenance and support of a Protestant clergy within the said province, as he or they shall from time to time think necessary and expedient. . . .

[VII. Oath of allegiance to be taken by Roman Catholics.]

VIII. And be it further enacted by the authority aforesaid that all His Majesty's Canadian subjects, within the province of Quebec, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial manner as if the said proclamation, commissions, ordinances, and other acts and instruments had not been made, and as they consist with their allegiance to His Majesty and subjection to the Crown and Parliament of Great Britain; and that in all matters of controversy relative to property and civil rights, resort shall be had to the laws of Canada as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the courts of justice to be appointed within and for the said province by His Majesty, his heirs and successors, shall, with

respect to such property and rights, be determined agreeably to the said laws and customs of Canada, until they shall be varied or altered by any ordinances that shall, from time to time, be passed in the said province by the Governor, Lieutenant Governor, or Commander in Chief, for the time being, by and with the advice and consent of the Legislative Council of the same, to be appointed in manner hereinafter mentioned. . . .

XI. And whereas the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered: be it therefore further enacted by the authority aforesaid that the same shall continue to be administered, and shall be observed as law in the province of Quebec, as well in the description and quality of the offence as in the method of prosecution and trial; and the punishments and forfeitures thereby inflicted to the exclusion of every other rule of criminal law, or mode of proceeding thereon, which did or might prevail in the said province before the year of Our Lord one thousand seven hundred and sixty-four; anything in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice and consent of the Legislative Council of the said province, hereafter to be appointed, shall, from time to time, cause to be made therein, in manner hereinafter directed.

## 12. *The Codification of Hindu Law*

AMONG the various plans which have been lately formed for the improvement of the British interests in the provinces of Bengal, the necessity of establishing a new form of judicature, and giving laws to a people who were supposed to be governed by no other principle of justice than the arbitrary wills, or

uninstructed judgements, of their temporary rulers, has been frequently suggested; and this opinion I fear has obtained the greater strength from some publications of considerable merit in which it is too positively asserted that written laws are totally unknown to the Hindoos, or original inhabitants of Hindostan. From whatever cause this notion has proceeded, nothing can be more foreign from truth. There have been in

spread over the whole empire of Hindostan, speak the same language, which is unknown to the rest of the people, and receive public endowments and benefactions from every state and people, besides a degree of personal respect amounting almost to idolatry, in return for the benefits which are supposed to be derived from their studies. The consequence of these professors has suffered little diminution from the introduction of the Mahomedan government, which has generally left their privileges untouched, and suffered the people to remain in quiet possession of the institutes which time and religion had rendered familiar to their understandings and sacred to their affections. I presume, my lord, if this assertion can be proved, you will not deem it necessary that I should urge any argument in defence of their right to possess those benefits under a British and Christian administration which the bigotry of the Mahomedan government has never denied them. It would be a grievance to deprive the people of the protection of their own laws, but it would be a wanton tyranny to require their obedience to others of which they are wholly ignorant, and of which they have no possible means of acquiring a knowledge.

I cannot offer a better proof of what I have before affirmed, than by presenting you with a specimen of the laws themselves, which it will be necessary to preface with the following brief history of the manner in which it came into my hands.

A short time after my appointment to the government of this Presidency, the Company were pleased to direct the administration here to take possession of the Dewanny, or territorial government of these provinces, in their name, without using



any longer the intervention of an officer of the ancient Mogul government under the title of their Naib, or deputy, and gave them full powers to constitute such regulations for the collection and management of the revenue as they should judge most beneficial to the Company and the inhabitants.

In the execution of this commission, it was discovered that the due administration of justice had so intimate a connexion with the revenue, that in the system which was adopted, this formed a very considerable part. Two courts were appointed for every district, one for the trial of crimes and offences, and the other to decide causes of property. The first consisted entirely of Mahomedans, and the latter of the principal officers of the revenue, assisted by the judges of the criminal courts, and by the most learned pundits (or professors of the Hindoo law), in cases which depended on the peculiar usages or institutions of either faith. These courts were made dependent on two supreme courts which were established in the city of Calcutta, one for ultimate reference in capital cases, the other for appeals.

In this establishment no essential change was made in the ancient constitution of the province. It was only brought back to its original principles, and the line prescribed for the jurisdiction of each court, which the looseness of the Mogul government for some years past had suffered to encroach upon each other. . . .

As it has never been the practice of this country for the pundits or expounders of the Hindoo law, to sit as judges of it, but only to give their opinions in such cases as might be proposed to them, and as these perpetually occurring occasioned very great delays in our proceedings, or were decided at once by the officers of the courts, without any reference, it was judged advisable, for the sake of giving confidence to the people and of enabling the courts to decide with certainty and dispatch, to form a compilation of the Hindoo laws with the best authority which could be obtained; and for that purpose ten of the most learned pundits were invited to Calcutta from different parts of the province, who cheerfully undertook this

work, have incessantly laboured in the prosecution of it, and have already, as they assure me, completed it, all but the revision and correction of it.

This code they have written in their own language, the Sanskrit. A translation of it is begun under the inspection of one of their body into the Persian language, and from that into English. The two first chapters I have now the honour to present to your lordship with this, as a proof that the inhabitants of this land are not in the savage state in which they have been unfairly represented, and as a specimen of the principles which constitute the rights of property among them.

Although the second chapter has been translated with a dispatch that has not allowed time for rendering it quite so correct as I could wish to offer it to your lordship's view, yet I can venture to vouch for the fidelity with which it is generally executed, such parts of it as I have compared with the Persian copy having been found literally exact.

Your lordship will find a great mixture of the superstitions of their religion in this composition. Many passages in the first chapter are not to be reconciled to any rule known to us, but may be supposed to be perfectly consonant to their own maxims, as your lordship will perceive that they have been scrupulously exact in marking such cases as have received a different decision in the different originals from which this abstract is selected.

Upon the merit of the work itself I will not presume to offer an opinion. I think it necessary to obviate any misconception which you may entertain from the similitude in the arrangement and style to our own productions, by saying that I am assured they are close and genuine transcripts from the original.

With respect to the Mahomedan

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oenned, as that of most states in Europe, having been formed at a time in which the Arabians were in possession of all the real learning which existed in the western parts of this con-

minent. The book which bears the greatest authority among them in India is a digest formed by the command of the Emperor Aurungzeb, and consists of four large folio volumes which are equal to near twelve of ours.

I have only to add that the design of this letter is to give your lordship a fair representation of a fact of which the world has been misinformed, to the great injury of this country, and to prevent the ill effects which such an error may produce in a public attempt to deprive it of the most sacred and valuable of its rights. Even the most injudicious or most fanciful customs which ignorance or superstition may have introduced among them, are perhaps preferable to any which could be substituted in their room. They are interwoven with their religion, and are therefore revered as of the highest authority. They are the conditions on which they hold their place in society, they think them equitable, and therefore it is no hardship to exact their obedience to them. I am persuaded they would consider the attempt to free them from the effects of such a power as a severe hardship.

Warren Hastings to Lord Mansfield, 21 March 1774:  
G. R. GLEIG, *Memoirs of . . . Warren Hastings* (1841),  
i, 399-404.

### 13. *Warren Hastings' Principles of Government*

THE maxims which I laid down for my conduct, and by which it was invariably guided, were these:—First, to implant the authority of the Company, and the sovereignty of Great Britain, in the constitution of this country. Secondly, to abolish all secret influence, and make the government itself responsible for all measures, by making them all pass by its avowed authority. Thirdly, to remove all impediments which prevented the complaints of the people from reaching the ears of the supreme administration, or established an independent despotism in its agents. Fourthly, to relieve the ryots from

oppressive taxes. Fifthly, to introduce a regular system of justice and protection into the country. Sixthly, to relieve the distresses of the company at home—you know how great they were—and pay off their heavy debts here, by a uniform and regular mode of collecting their rents, by savings in expenses, and by foreign acquisitions of wealth. And lastly, to extend the political influence of the Company without enlarging their territory or dividing their military strength.

Warren Hastings to Laurence Sullivan, 21 March 1776: G. R. GLEIG, *Life of Warren Hastings* (1841), ii, 30.

#### 14. *The Principle of Trusteeship*

I THEREFORE freely admit to the East India Company their claim to exclude their fellow-subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling; to command an army of sixty thousand men; and to dispose (under the control of a sovereign, imperial discretion, and with the due observance of the natural and local law) of the lives and fortunes of thirty millions of their fellow-creatures. All this they possess by charter, and by Acts of Parliament, in my opinion without a shadow of controversy.

Those who carry the rights and claims of the Company the furthest do not contend for more than this; and all this I freely grant. But granting all this, they must grant to me in my turn that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit.

If this is true with regard to every species of political dominion, and every description of commercial privilege, none of which can be original, self-derived rights, or grants for the mere private benefit of the holders, then such rights, or

privileges, or whatever else you choose to call them, are all in the strictest sense a *trust*; and it is of the very essence of every trust to be rendered *accountable*, and even totally to *cease*, when it substantially varies from the purposes for which alone it could have a lawful existence.

This I conceive, Sir, to be true of trusts of power vested in the highest hands, and of such as seem to hold of no human creature. But about the application of this principle to subordinate, *derivative* trusts, I do not see how a controversy can be maintained. To whom then would I make the East India Company accountable? Why, to Parliament, to be sure; to Parliament, from which their trust was derived; to Parliament, which alone is capable of comprehending the magnitude of its object, and its abuse; and alone capable of an effectual legislative remedy. The very charter, which is held out to exclude Parliament from correcting malversation with regard to the high trust vested in the Company, is the very thing which at once gives a title and imposes on us a duty to interfere with effect, wherever power and authority originating from ourselves are perverted from their purposes, and become instruments of wrong and violence.

If Parliament, Sir, had nothing to do with this charter, we might have some sort of Epicurean excuse to stand aloof, indifferent spectators of what passes in the Company's name in India and in London. But if we are the very cause of the evil, we are in a special manner engaged to the redress; and for us passively to bear with oppressions committed under the sanction of our own authority, is in truth and reason for this House to be an active accomplice in the abuse.

That the power, notoriously, grossly abused, has been bought from us is very certain. But this circumstance, which is urged against the Bill, becomes an additional motive for our interference; lest we should be thought to have sold the blood of millions of men for the base consideration of money. We sold, I admit, all that we had to sell; that is, our authority, not our control. We had not a right to make a market of our duties.

derives its source even from the constitution itself, which requires, in every remote member of the general state, a construction of government not merely different from its own, but that from which its own nature is most abhorrent. The negligences, vices, and crimes of a political agent are all totally foreign in their qualities from those offences in common life which the law defines, and against which it has made a provision in the degrees of punishment denounced against the commission of them. The factious or corrupt member of a council may weaken every useful spring of government; may embarrass, obstruct, and thwart all its measures; may stop the execution of its daily official business; may occasionally employ its powers for the most pernicious purposes, and still keep clear of legal condemnation. He may even avail himself of the letter of prescribed orders in such a manner, either by a strained or ill-timed obedience, as to defeat their intention, or pervert them to effects the most opposite to it.

The real character of such a man will not escape the observation of those who live within the sphere of his agency; and to them the motives of all his actions will be known on grounds of the strongest internal conviction, though incapable of direct and positive evidence. Yet it is on positive evidence only that his offences can be proved; nor even when proved can they operate to his punishment, unless they fall within the prohibition of some positive law; although the lives of multitudes may have been destroyed, and the safety and honour of the state itself endangered, by the perpetration of them. But it is only by a process of law, and by a breach of some written statute or known law of the land, that the subject of a free state can be condemned. A constitution formed of a governor, with limited powers, and a council, may subsist under an arbitrary monarch directing it, and be better conducted than that of a governor alone; but it cannot be too simple and unrestrained for the rule of a province so remote from a free state like that of Great Britain.

To obviate misconceptions, I think it proper to mention that I allude only to such powers as appertain to the nature

of government; not to such as might affect the lives, persons, or property of individuals living within its authority, but under the protection of the law of England. In all cases which do not necessarily fall within the cognisance of those who have the immediate charge of the state, the jurisdiction of the governor ought to be no more than that of any other civil magistrate, or justice of the peace. It is unnecessary in this place to treat of the mode of succession, or the other dependent arrangements of the general system.

Though the state of kingdoms is liable to dissolution from causes as mortal as those which intercept the course of human life, and though my opinion of the distempers which threaten that of the British empire in Bengal may obtain credit from all who read it, yet I fear that few will yield to its impression. Like the stroke of death, which every man knows will come, but no man acts as if he felt the conviction which he avows and thinks he feels, the very magnitude of the catastrophe may in this case blunt the sense of those to whom it is visibly apparent.

I expect this effect, and foresee that I may expose myself to much obloquy by recommending so new and unpopular a system. Yet these considerations have not deterred me from endeavouring to render *this last service* to my country, and to my ever-respected constituents; being assured, if successful, of *my reward in the conscious applause of my own mind brightening the decline of my existence*; and of this consolation in the dreaded reverse, that no means within the compass of my ability had been left untried to prevent it.

WARREN HASTINGS: *Memoirs Relative to the State of India*: Sir George Forrest (ed.), *Selections from the State Papers of the Governors-General of India* (1910), ii, 93-7.

## 16. *The Employment of Indians in Government*

IF we make a summary comparison of the advantages and disadvantages which have occurred to the natives from our govern-

I ground myself therefore on this principle—that if the abuse is proved, the contract is broken, and we re-enter into all our rights; that is into the exercise of all our duties. Our own authority is indeed as much a trust originally, as the Company's authority is a trust derivatively; and it is the use we make of the resumed power that must justify or condemn us in the resumption of it. When we have perfected the plan laid before us by the right honourable mover, the world will then see what it is we destroy, and what it is we create. By that test we stand or fall; and by that test I trust that it will be found in the issue that we are going to supersede a charter abused to the full extent of all the powers which it could abuse, and exercised in the plenitude of despotism, tyranny, and corruption; and that in one and the same plan, we provide a real chartered security for the *rights of men*, cruelly violated under that charter.

BURKE in the House of Commons, 1 December 1783:  
*Works* (7th edition, 1881), ii, 439–41.

### 15. *The Necessity of Strong Powers for a Governor in Bengal*

I AFFIRM, as a point incontestable, that the administration of the British government in Bengal . . .

decision and a consistency of system, cannot be ruled by a body of men variable in their succession, discordant in opinion, each jealous of his colleagues, and all united in common interest against their ostensible leader. Its powers are such that, if directed by a firm and steady hand, they may be rendered equal to any given plan of operation; but may prove the very instruments of its destruction if they are left in the loose charge of unconnected individuals, whose interests, passions, or caprices, may employ them in mutual contests



and a scramble for superiority.

It has been my lot to derive, from long possession and casual influence, advantages which have overcome the worst effects of my own deficiencies; and it has been one maxim of my conduct (may I be pardoned for the apparent boast, but necessary allusion) to do what I knew was requisite to the public safety, though I should doom my life to legal forfeiture, or my name to infamy. I could verify this by instances in which, by an implicit submission to positive duty and express orders, the Company's possessions might have been devoted to desolation, and even its existence annihilated. I hazarded an opposite conduct; and whatever may have been its effects, I have at least had the happiness to see one portion of the British dominion in India rise from the lowest state of degradation; another rescued from imminent subjection; and that which gives life to the whole, enjoying the blessings of peace and internal security, while every other part of the general empire was oppressed by war, or the calamities of intestine discord.

I may not expatiate on such a discussion. I mention it only to show that if the British power in India yet holds a reprieve from ruin, it derives its preservation from causes which are independent of its constitution; and that it might have been lost if left to that alone for its protection.

The inference to be drawn from these premises is that whatever form of government may yet be established for these provinces, whether its control be extended to the other presidencies, or confined to its own demesnes, it is necessary that the governor, or first executive member, should possess a power absolute and complete within himself, and independent of actual control. His character, which requires little more than two qualifications, an inflexible integrity and a judgement unsusceptible to the bias of foreign suggestion, should be previously ascertained, and its consistency assured by the pledge of his life for the faithful discharge of so great a trust.

I have said that this is an unpopular doctrine, and liable to be rejected as opposite to our domestic constitution; but it

ment, the result, I fear, will hardly be as much in its favour as it ought to have been. They are more secure from the calamities both of foreign war and internal commotions; their persons and property are more secure from violence; they cannot be wantonly punished, or their property seized, by persons in power, and their taxation is on the whole lighter. But, on the other hand, they have no share in making laws for themselves, little in administering them, except in very subordinate offices; they can rise to no high station, civil or military; they are everywhere regarded as an inferior race, and often rather as vassals or servants than as the ancient owners and masters of the country.

It is not enough that we confer on the natives the benefits of just laws and of moderate taxation, unless we endeavour to raise their character; but under a foreign government there are so many causes which tend to depress it, that it is not easy to prevent it from sinking. It is an old observation that he who loses his liberty loses half his virtue. This is true of nations as well as of individuals. To have no property scarcely degrades more in one case than in the other to have property at the disposal of a foreign government in which we have no share. The enslaved nation loses the privileges of a nation, as the slave does those of a freeman: it loses the privilege of taxing itself, of making its own laws, of having any share in their administration or in the general government of the country.

their government, whether free or despotic, against foreigners. Against an invasion of foreigners the national character is always engaged, and in such a cause the people often contend as strenuously in the defence of a despotic as of a free government. It is not the arbitrary power of a national sovereign, but subjugation to a foreign one, that destroys national character and extinguishes national spirit. When a people cease to have a national character to maintain, they lose the mainspring of

whatever is laudable both in public and in private life, and the private sinks with the public character.

Though under such obstacles the improvement of character must necessarily be slow and difficult, and can never be carried to that height which might be possible among an independent people, yet we ought not to be discouraged by any difficulty from endeavouring, by every means in our power, to raise it as far as may be practicable in the existing relative situation of this country to Britain. . . .

There is one great question to which we should look in all our arrangements: What is to be their final result on the character of the people? Is it to be raised, or is it to be lowered? Are we to be satisfied with merely securing our power and protecting the inhabitants, leaving them to sink gradually in character lower than at present; or are we to endeavour to raise their character, and to render them worthy of filling higher situations in the management of their country, and of devising plans for its improvement? It ought undoubtedly to be our aim to raise the minds of the natives, and to take care that whenever our connexion with India might cease, it did not appear that the only fruit of our dominion there had been to leave the people more abject and less able to govern themselves than when we found them. . . . We have had too little experience, and are too little acquainted with the natives, to be able to determine without trial what means would be most likely to facilitate their improvement. Various measures might be suggested, which might all probably be more or less useful; but no one appears to me so well calculated to ensure success as that of endeavouring to give them a higher opinion of themselves by placing more confidence in them, by employing them in important situations, and perhaps by rendering them eligible to almost every office under Government. It is not necessary at present to define the exact limit to which their eligibility should be carried, but there seems to be no reason why they should be excluded from any office for which they were qualified, without danger to the preservation of our own ascendancy.

Liberal treatment has always been found the most effectual way of alleviating the character of any people, and we may be sure that it will produce a similar effect on that of the people of India. The change will no doubt be slow; but that is the very reason why no time should be lost in commencing the work. We should not be discouraged by difficulties; nor, because little progress may be made in our own time, abandon the enterprise as hopeless and charge upon the obstinacy and bigotry of the natives the failure which has been occasioned solely by our own fickleness in not pursuing steadily the only line of conduct on which any hope of success could be reasonably founded. . . .

We should look upon India, not as a temporary possession, but as one which is to be maintained permanently, until the natives shall in some future age have abandoned most of their superstitions and prejudices, and become sufficiently enlightened to frame a regular government for themselves, and to conduct and preserve it. Whenever such a time shall arrive, it will probably be best for both countries that the British control over India should be gradually withdrawn. That the desirable change here contemplated may in some after age be effected in India, there is no cause to despair. Such a change was at one time in Britain itself at least as hopeless as it is here. When we reflect how much the character of nations has always been influenced by that of governments, and that some, once the most cultivated, have sunk into barbarism, while others, formerly the rudest, have attained the highest point of civilization, we shall see no reason to doubt that if we pursue steadily the proper measures we shall in time so far improve the character of our Indian subjects as to enable them to govern and protect themselves.

SIR THOMAS MUNRO, *Minute on the Employment of Natives in the Public Service*, 31 December 1824:  
*Sir Thomas Munro: Selections from his Minutes*, ed.  
Sir A. J. Arbuthnot (1881), ii, 323-7.

## 17. *The Prohibition of Suttee*

WHETHER the question be to continue or to discontinue the practice of suttee,<sup>1</sup> the decision is equally surrounded by an awful responsibility. To consent to the consignment year after year of hundreds of innocent victims to a cruel and untimely end, when the power exists of preventing it, is a predicament which no conscience can contemplate without horror. But, on the other hand, if heretofore received opinions are to be considered of any value, to put to hazard by a contrary course the very safety of the British Empire in India, and to extinguish at once all hopes of those great improvements—affecting the condition not of hundreds and thousands but of millions—which can only be expected from the continuance of our supremacy, is an alternative which even in the light of humanity itself may be considered as a still greater evil. It is upon this first and highest consideration alone, the good of mankind, that the tolerance of this inhuman and impious rite can in my opinion be justified on the part of the government of a civilized nation. While the solution of this question is appalling from the unparalleled magnitude of its possible results, the considerations belonging to it are such as to make even the stoutest mind distrust its decision. On the one side, religion, humanity, under the most appalling form, as well as vanity and ambition—in short, all the most powerful influences over the human heart—are arrayed to bias and mislead the judgement. On the other side, the sanction of countless ages, the example of all the Mussulman conquerors, the unanimous concurrence in the same policy of our own most able rulers, together with the universal veneration of the people, seem authoritatively to forbid, both to feeling and to reason, any interference in the exercise of their natural prerogative. In venturing to be the first to deviate from this practice it becomes me to show that nothing has been yielded to feeling, but that reason, and

<sup>1</sup> The ritual burning of widows on their husbands' funeral pyres.

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reason alone, has governed the decision.

So far indeed from presuming to condemn the conduct of my predecessors, I am ready to say that in the same circumstances I should have acted as they have done. So far from being chargeable with political rashness, as this departure from an established policy might infer, I hope to be able so completely to prove the safety of the measures as even to render unnecessary any calculation of the degree of risk which for the attainment of so great a benefit might wisely and justly be incurred. So far also from being the sole champion of a great and dangerous innovation, I shall be able to prove that the vast preponderance of present authority has long been in favour of abolition. Past experience indeed ought to prevent me, above all men, from coming lightly to so positive a conclusion. When Governor of Madras I saw in the mutiny of Vellore the dreadful consequences of a supposed violation of religious customs upon the minds of the native population and soldiery. I cannot forget that I was then the innocent victim of that unfortunate catastrophe;<sup>1</sup> and I might reasonably dread, when the responsibility would justly attach to me in the event of failure, a recurrence of the same fate. Prudence and self-interest would counsel me to tread in the footsteps of my predecessors. But in a case of such momentous importance to humanity and civilization that man must be reckless of all his present or future happiness who could listen to the dictates of so wicked and selfish a policy. With the firm undoubting conviction entertained upon this question, I should be guilty of little short of the crime of multiplied murder if I could

prevented by a more early submission of the present question. But during the whole of the present year much public agitation has been excited, and when discontent is abroad, when exaggerations of all kinds are busily circulated, and when the

<sup>1</sup> Lord William Bentinck was dismissed by the Company from the Governorship of Madras after the Vellore mutiny of 1806.



native army have been under a degree of alarm lest their allowances should suffer with that of their European officers, it would have been unwise to have given a handle to artful and designing enemies to disturb the public peace. The recent measures of Government for protecting the interests of the sepoys against the late reduction of companies will have removed all apprehension of the intentions of Government; and the consideration of this circumstance having been the sole cause of hesitation on my part, I will now proceed, praying the blessing of God upon our counsels, to state the grounds upon which my opinion has been formed. . . .

I have now brought this paper to a close, and I think I have redeemed my pledge of not allowing, in the consideration of this question, passion or feeling to have any part. I trust it will appear that due weight has been given to all difficulties and objections, that facts have been stated with truth and impartiality, that the conclusion to which I have come is completely borne out both by reason and authority. It may be justly asserted that the Government in this act will only be following, not preceding, the tide of public opinion long flowing in this direction; and when we have taken into consideration the experience and wisdom of that highest public tribunal, the Nizamat Adalat, who, in unison with our wisest and ablest public functionaries, have been year after year almost soliciting the Government to pass this Act, the moral and political responsibility of not abolishing this practice far surpasses, in my judgement, that of the opposite course.

But discarding, as I have done, every inviting appeal from sympathy and humanity, and having given my verdict, I may now be permitted to express the anxious feelings with which I desire the success of this measure.

The first and primary object of my heart is the benefit of the Hindus. I know nothing so important to the improvement of their future condition as the establishment of a purer morality, whatever their belief, and a more just conception of the will of God. The first step to this better understanding will be dissociation of religious belief and practice from blood

and murder. They will then, when no longer under this brutalizing excitement, view with more calmness acknowledged truths. They will see that there can be no inconsistency in the ways of Providence, that to the command received as divine by all races of men, "No innocent blood shall be spilt," there can be no exception; and when they shall have been convinced of the error of this first and most criminal of their customs, may it not be hoped that others, which stand in the way of their improvement, may likewise pass away, and that, thus emancipated from those chains and shackles upon their minds and actions, they may no longer continue, as they have done, the slaves of every foreign conqueror, but that they may assume their first places among the great families of mankind? I disown in these remarks, or in this measure, any view whatever to conversion to our own faith. I write and feel as a legislator for the Hindus, and as I believe many enlightened Hindus think and feel.

Descending from these higher considerations, it cannot be a dishonest ambition that the Government of which I form a part should have the credit of an act which is to wash out a foul stain upon British rule, and to stay the sacrifice of humanity and justice to a doubtful expediency; and finally, as a branch of the general administration of the Empire, I may be permitted to feel deeply anxious that our course shall be in accordance with the noble example set to us by the British Government at home, and that the adaptation, when practicable, to the circumstances of this vast Indian population, of the same enlightened principles, may promote here as well as there the general prosperity, and may exalt the character of our nation.

Minute by LORD WILLIAM BENTINCK: 8 November 1829:  
D. C. Boulger, *Lord William Bentinck* (1892), 96-111.

## 18. *The Future of British Rule in India*

I HAVE detained the House so long, Sir, that I will defer what I had to say on some parts of this measure, important parts indeed, but far less important, as I think, than those to which I have adverted, till we are in Committee. There is, however, one part of the Bill on which, after what has recently passed elsewhere, I feel myself irresistibly impelled to say a few words. I allude to that wise, that benevolent, that noble clause, which enacts that no native of our Indian empire shall, by reason of his colour, his descent, or his religion, be incapable of holding office. At the risk of being called by that nickname which is regarded as the most opprobrious of all nicknames by men of selfish hearts and contracted minds, at the risk of being called a philosopher, I must say that, to the last day of my life, I shall be proud of having been one of those who assisted in the framing of the Bill which contains that clause. We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that this is the condition on which we hold our power. We are told that we are bound to confer on our subjects every benefit—which they are capable of enjoying?—no; which it is in our power to confer on them?—no; but which we can confer on them without hazard to the perpetuity of our own domination. Against that proposition I solemnly protest as inconsistent alike with sound policy and sound morality.

I am far, very far, from wishing to proceed hastily in this most delicate matter. I feel that, for the good of India itself, the admission of natives to high office must be effected by slow degrees. But that, when the fullness of time is come, when the interest of India requires the change, we ought to refuse to make that change lest we should endanger our own power, this is a doctrine of which I cannot think without indignation. Governments, like men, may buy existence too dear. *Propter vitam vivendi perdere causas* is a despicable policy both in

individuals and in states. In the present case, such a policy would not only be despicable, but absurd. The mere extent of empire is not necessarily an advantage. To many governments it has been cumbersome; to some it has been fatal. It will be allowed by every statesman of our time that the prosperity of a community is made up of the prosperity of those who compose the community, and that it is the most childish ambition to covet dominion which adds to no man's comfort or security. To the great trading nation, to the great manufacturing nation, no progress which any portion of the human race can make in knowledge, in taste for the conveniences of life, or in the wealth by which those conveniences are produced, can be matter of indifference. It is scarcely possible to calculate the benefits which we might derive from the diffusion of European civilization among the vast population of the East. It would be, on the most selfish view of the case, far better for us that the people of India were well governed and independent of us, than ill-governed and subject to us; that they were ruled by their own kings, but wearing our broadcloth, and working with our cutlery, than that they were performing their salaams to English collectors and English magistrates, but were too ignorant to value, or too poor to buy, English manufactures. To trade with civilized men is infinitely more profitable than to govern savages. That would, indeed, be a doting wisdom, which in order that India might remain a dependency, would make it an useless and costly dependency, which would keep a hundred millions of men from being our customers in order that they might continue to be our slaves.

It was, as Bernier tells us, the practice of the miserable tyrants whom he found in India, when they dreaded the capacity and spirit of some distinguished subject, and yet could not venture to murder him, to administer to him a daily dose of the poushta, a preparation of opium, the effect of which was in a few months to destroy all the bodily and mental powers of the wretch who was drugged with it, and to turn him into a helpless idiot. The detestable artifice, more horrible than assassination itself, was worthy of those who employed it. It

is no model for the English nation. We shall never consent to administer the pusta to a whole community, to stupify and paralyse a great people whom God has committed to our charge, for the wretched purpose of rendering them more amenable to our control. What is power worth if it is founded on vice, on ignorance, and on misery; if we can hold it only by violating the most sacred duties which as governors we owe to the governed, and which, as a people blessed with far more than an ordinary measure of political liberty and of intellectual light, we owe to a race debased by three thousand years of despotism and priestcraft? We are free, we are civilized, to little purpose, if we grudge to any portion of the human race an equal measure of freedom and civilization.

Are we to keep the people of India ignorant in order that we may keep them submissive? Or do we think that we can give them knowledge without awakening ambition? Or do we mean to awaken ambition and to provide it with no legitimate vent? Who will answer any of these questions in the affirmative? Yet one of them must be answered in the affirmative by every person who maintains that we ought permanently to exclude the natives from high office. I have no fears. The path of duty is plain before us: and it is also the path of wisdom, of national prosperity, of national honour.

The destinies of our Indian empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history, and which forms by itself a separate class of political phenomena. The laws which regulate its growth and its decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that, having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history. To have found a great people sunk in the lowest

depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens, would indeed be a title to glory all our own. The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms. But there are triumphs which are followed by no reverse. There is an empire exempt from all natural causes of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws.

MACAULAY in the House of Commons, 10 July 1833:  
*Speeches* (1834), 160-3.

19. *The Act for the Abolition of Slavery, 1833*  
(3 and 4 Will. IV, c. 73.)

*An Act for the Abolition of Slavery throughout the British Colonies; for promoting the industry of the manumitted Slaves; and for compensating the persons hitherto entitled to the services of such slaves.*

WHEREAS divers persons are holden in slavery within divers of His Majesty's colonies, and it is just and expedient that all such persons should be manumitted and set free, and that a reasonable compensation should be made to the persons hitherto entitled to the services of such slaves for the loss which they will incur by being deprived of their right to such services: and whereas it is also expedient that provision should be made for promoting the industry and securing the good conduct of the persons so to be manumitted, for a limited period after such their manumission: and whereas it is necessary that the laws now in force in the said several colonies should forthwith be adapted to the new state and relations of society therein which will follow upon such general manumission as

aforesaid of the said slaves; and that, in order to afford the necessary time for such adaptation of the said laws, a short interval should elapse before such manumission should take effect: be it therefore enacted . . . that from and after the first day of August one thousand eight hundred and thirty-four all persons who in conformity with the laws now in force in the said colonies respectively shall on or before [1st August 1834] have been duly registered as slaves in any such colony and who on [1st August 1834] shall be actually within any such colony, and who shall by such registries appear to be on [1st August 1834] of the full age of six years or upwards, shall by force and virtue of this Act, and without the previous execution of any indenture of apprenticeship, or other deed or instrument for that purpose, become and be apprenticed labourers. . . .

[V. The apprenticeship of praedial<sup>1</sup> labourers not to be continued beyond 1st August 1840.

VI. The apprenticeship of non-praedial labourers not to be continued beyond 1st August 1838.]

XII. And be it further enacted that, subject to the obligations imposed by this Act, or to be imposed by any such Act of General Assembly [in the colonies] . . . all and every the persons who on [1st August 1834] shall be holden in slavery within any such British colony as aforesaid shall upon [1st August 1834] become and be to all intents and purposes free and discharged of and from all manner of slavery, and shall be absolutely and for ever manumitted; and that the children thereafter to be born to any such persons, and the offspring of such children, shall in like manner be free from their birth, and that from and after [1st August 1834] slavery shall be and is hereby utterly and for ever abolished and declared unlawful throughout the British colonies, plantations, and possessions abroad. . . .

XIV. And . . . be it enacted that it shall and may be lawful for His Majesty to issue, or to authorize the governor of any such colony as aforesaid . . . to issue . . . one or more

<sup>1</sup> Praedial slaves—slaves attached to the land.

special commission or commissions to any one or more person or persons, constituting him or them a Justice or Justices of the Peace . . . for the special purpose of giving effect to this present Act . . . and every person to or in favour of whom any such commission may be issued shall . . . without any other qualification be entitled and competent to act as a Justice of the Peace within the limits prescribed by such his commission for such special purposes aforesaid, but for no other purposes. . . .

XV. And be it further enacted that His Majesty shall be and he is hereby authorized to grant to any person or persons, not exceeding one hundred in the whole, holding any such special commission or commissions . . . salaries at and after a rate not exceeding in any case the sum of three hundred pounds sterling per annum. . . . Provided also that there be annually laid before both Houses of Parliament a list of the names of all persons to whom any such salary shall be so granted, specifying the date of every such commission, and the amount of the salary assigned to every such Justice of the Peace. . . .

XXIV. And whereas, towards compensating the persons at present entitled to the services of the slaves to be manumitted and set free by virtue of this Act for the loss of such services, His Majesty's most dutiful and loyal subjects the Commons of Great Britain and Ireland in Parliament assembled have resolved to give and grant to His Majesty the sum of twenty millions pounds sterling; be it enacted that the Lords Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland may raise such sum or sums of money as shall be required from time to time under the provisions of this Act, and may grant as the consideration for such sum or sums of money redeemable perpetual annuities or annuities for terms of years . . . upon such terms and conditions . . . as may be determined upon by the said Commissioners of the Treasury, not exceeding in the whole the sum of twenty millions pounds sterling. . . .



## 20. *The Use of English in Indian Education*

WE now come to the gist of the matter. We have a fund to be employed as Government shall direct for the intellectual improvement of the people of this country. The simple question is, what is the most useful way of employing it?

All parties seem to be agreed on one point, that the dialects commonly spoken among the natives of this part of India<sup>1</sup> contain neither literary nor scientific information, and are, moreover, so poor and rude that, until they are enriched from some other quarter, it will not be easy to translate any valuable work into them. It seems to be admitted on all sides that the intellectual improvement of those classes of the people who have the means of pursuing higher studies can at present be effected only by means of some language not vernacular amongst them.

What then shall that language be? One half of the committee maintain that it should be the English. The other half strongly recommend the Arabic and Sanskrit. The whole question seems to me to be, which language is the best worth knowing?

I have no knowledge of either Sanskrit or Arabic. But I have done what I could to form a correct estimate of their value. I have read translations of the most celebrated Arabic and Sanskrit works. I have conversed both here and at home with men distinguished by their proficiency in the Eastern tongues. I am quite ready to take the Oriental learning at the valuation of the Orientalists themselves. I have never found one among them who could deny that a single shelf of a good European library was worth the whole native literature of India and Arabia. The intrinsic superiority of the Western literature is, indeed, fully admitted by those members of the committee who support the Oriental plan of education.

It will hardly be disputed, I suppose, that the department of literature in which the Eastern writers stand highest is

<sup>1</sup> i.e. Bengal.

poetry. And I certainly never met with any Orientalist who ventured to maintain that the Arabic and Sanskrit poetry could be compared to that of the great European nations. But when we pass from works of imagination to works in which facts are recorded, and general principles investigated, the superiority of the Europeans becomes absolutely immeasurable. It is, I believe, no exaggeration to say that all the historical information which has been collected from all the books written in the Sanskrit language is less valuable than what may be found in the most paltry abridgements used at preparatory schools in England. In every branch of physical or moral philosophy, the relative position of the two nations is nearly the same.

How, then, stands the case? We have to educate a people who cannot at present be educated by means of their mother-tongue. We must teach them some foreign language. The claims of our own language it is hardly necessary to recapitulate. It stands pre-eminent even among the languages of the West. It abounds with works of imagination not inferior to the noblest which Greece has bequeathed to us; with models of every species of eloquence; with historical compositions, which, considered merely as narratives, have seldom been surpassed, and which, considered as vehicles of ethical and political instruction, have never been equalled; with just and lively representations of human life and human nature; with the most profound speculations on metaphysics, morals, government, jurisprudence, and trade; with full and correct information respecting every experimental science which tends to preserve the health, to increase the comfort, or to expand the intellect of man. Whoever knows that language has ready access to all the vast intellectual wealth, which all the wisest nations of the earth have created and hoarded in the course of ninety generations. It may safely be said that the literature now extant in that language is of far greater value than all the literature which three hundred years ago was extant in all the languages of the world together. Nor is this all. In India, English is the language spoken by the ruling class.

It is spoken by the higher class of natives at the seats of government. It is likely to become the language of commerce throughout the seas of the East. It is the language of two great European communities which are rising, the one in the south of Africa, the other in Australasia; communities which are every year becoming more important, and more closely connected with our Indian empire. Whether we look at the intrinsic value of our literature, or at the particular situation of this country, we shall see the strongest reason to think that, of all foreign tongues, the English tongue is that which would be the most useful to our native subjects.

The question now before us is simply whether, when it is in our power to teach this language, we shall teach languages in which, by universal confession, there are no books on any subject which deserve to be compared to our own; whether, when we can teach European science, we shall teach systems which, by universal confession, whenever they differ from those of Europe, differ for the worse; and whether, when we can patronize sound philosophy and true history, we shall countenance, at the public expense, medical doctrines, which would disgrace an English farrier—astronomy, which would move laughter in girls at an English boarding school—history, abounding with kings thirty feet high, and reigns thirty thousand years long—and geography, made up of seas of treacle and seas of butter.

MACAULAY, Minute on Indian Education, 2 February 1835: *Minutes on Education in India*, ed. H. Woodrow (1862), 107–9.

## 21. *Equal Justice for Indians and Englishmen*

THE draft which is now under our consideration is so important in itself, and derives so much extrinsic importance from the nature of the opposition which has been made to it, that I think it my duty to record my opinion concerning it.

By the Charter Act of 1813, British subjects settled in the mofussil<sup>1</sup> were, with some reservations, placed under the jurisdiction of the Company's civil courts. But it was provided that in every case in which a native would be entitled to appeal to the Sadar Dewani Adalat<sup>2</sup>, a British defendant might appeal to the Supreme Court.

In cases in which natives are concerned, appeals lie to the Sadar Dewani Adalat in suits originally instituted before a zillah<sup>3</sup> judge and, under special circumstances, in suits originally instituted before the lower judicial functionaries. Europeans are not now subject to the jurisdiction of the Sadar Amins. They can be sued in no mofussil court lower than that of the zillah judge. Consequently in every case in which a British subject is a defendant, he has an appeal to the Supreme Court.

The British in the mofussil have scarcely ever had recourse to this appeal, and seem to set very little value on it. In 1826, indeed, some of them actually begged to be deprived of it in a large class of cases. They petitioned to be made subject to the jurisdiction of the Sadar Amins, and stated that, unless this were done, they should, in petty cases, be left without any prospect of redress. . . .

It appeared to the Government likely that in consequence of the provisions of the late Charter Act, the number of British residents in the mofussil would increase. It therefore seemed expedient to determine, before any great influx of such residents should take place, what jurisdiction the Company's civil courts should possess over them.

The principle on which we proceeded was that the system ought, as far as possible, to be uniform, that no distinction ought to be made between one class of people and another, except in cases where it could be clearly made out that such a distinction was necessary to the pure and efficient administration of justice.

<sup>1</sup> The rural area of Bengal, as opposed to Calcutta.

<sup>2</sup> The Appeal Court for civil cases in Bengal.

<sup>3</sup> Administrative district.

One such distinction, and one only, we thought it necessary to make. The general character of the munsiffs<sup>1</sup> is such that we could not venture to entrust them with the decision of suits in which an European and a native might be opposed to each other. Those functionaries are ill paid. They do not appear to possess the public confidence. Their courts require a thorough reform, and, till that reform is effected, it would be highly inexpedient to give them jurisdiction in a class of cases in which the strong will very generally be opposed to the weak.

We therefore determined not to permit Europeans to sue or to be sued before the munsiffs. In other respects we thought that we might safely put Europeans and natives on exactly the same footing in all civil proceedings. Nor did it appear to us that there was any reason for allowing a British-born subject to appeal to the Supreme Court in a case in which a Hindu, a Mussulman, an Armenian, a Jew, a Greek, a Portuguese or an American would have no appeal except to the Sadar Dewani Adalat.

In the draft of a letter which accompanies this minute, I have stated some of the reasons which lead me to think that, as a court of appeal from the mofussil judges, the Sadar Dewani Adalat is preferable to the Supreme Court. But in my opinion the chief reason for preferring the Sadar Dewani Adalat is this—that it is the court which we have provided to administer justice in the last resort to the great body of the people. If it is not fit for that purpose, it ought to be made so. If it is fit to administer justice to the body of the people, why should we exempt a mere handful of settlers from its jurisdiction? There certainly is—I will not say the reality—but the semblance of partiality and tyranny in the distinction made by the Charter Act of 1813. That distinction seems to indicate a notion that the natives of India may well put up with something less than justice or that Englishmen in India have a title to something more than justice. If we give our own countrymen an appeal to the King's courts in cases in which all others are forced to be content with the Company's courts, we do in fact

<sup>1</sup> Bengali judges.

cry down the Company's courts. We proclaim to the Indian people that there are two sorts of justice, a coarse one which we think good enough for them, and another of superior quality which we keep for ourselves. If we take pains to show that we distrust our highest courts, how can we expect that the natives of the country will place confidence in them?

The draft of the Act was published and was, as I fully expected, not unfavourably received by the British in the mofussil. Seven weeks have elapsed since the notification took place. Time has been allowed for petitions from the furthest corners of the territories subject to this presidency. But I have heard of only one attempt in the mofussil to get up remonstrance, and the mofussil newspapers which I have seen, though generally disposed to cavil at all the acts of the Government, have spoken favourably of this measure.

In Calcutta the case has been somewhat different; and this is a remarkable fact. The British inhabitants of Calcutta are the only British-born subjects in Bengal who will not be affected by the proposed Act: and they are the only British subjects in Bengal who have expressed the smallest objection to it. The clamour indeed has proceeded from a very small portion of the society of Calcutta. The objectors have not ventured to call a public meeting; and their memorial has obtained very few signatures. But they have attempted to make up by noise and virulence for what has been wanting in strength. It may at first sight appear strange that a law which is not unwelcome to those who are to live under it should excite such acrimonious feelings among people who are wholly exempted from its operation. But the explanation is simple. Though nobody who resides at Calcutta will be sued in the mofussil courts, many people who reside at Calcutta have or wish to have practice in the Supreme Court. These appeals indeed have hitherto yielded but a very scanty harvest of fees. But hopes are entertained, and have indeed been publicly expressed, that as the number of British settlers in the mofussil increases, the number of appeals will increase also. Great exertions have accordingly been made, though with

little success, to excite a feeling against this measure among the English inhabitants of Calcutta.

The doctrines which during the last five or six weeks have filled the newspapers of this city are that the government has no power to touch the jurisdiction of the Supreme Court, that an Englishman brings to India all the political rights which he possessed in London, that he owes no obedience to the Company or the Company's servants, that Parliament alone can make laws to bind him, that he is one of the conquerors of this country, and one of the electors who chose the House of Commons at home, and that it is therefore absurd to suppose that the legislature can have meant to place him on the same footing with the natives. In the memorial before us these doctrines are maintained in more decorous language than has been used elsewhere. But the spirit of an exclusive caste breathes in every paragraph of that document. . . .

The real question before us is whether, from fear of the outcry of a small and noisy section of the society of Calcutta, we will abdicate all those high functions with which Parliament has entrusted us for the purpose of restraining the European settler and of protecting the native population.

The political phrasology of the English in India is the same as the political phrasology of our countrymen at home. But it is never to be forgotten that the same words stand for very different things in London and at Calcutta. We hear much about public opinion, the love of liberty, the influence of the Press. But we must remember that public opinion means the opinion of five hundred persons who have no interest, feeling or taste in common with the fifty millions among whom they live; that the love of liberty means the strong objection which the five hundred feel to every measure which can prevent them from acting as they choose towards the fifty millions; that the Press is altogether supported by the five hundred and has no motive to plead the cause of the fifty millions.

We know that India cannot have a free government. But she may have the next best thing—a firm and impartial

despotism. The worst state in which she can possibly be placed is that in which the memorialists would place her. They call on us to recognize them as a privileged order of free men in the midst of slaves. It was for the purpose of averting this great evil that Parliament, at the same time at which it suffered Englishmen to settle in India, armed us with those large powers which, in my opinion, we ill deserve to possess if we have not the spirit to use them now.

Minute by MACAULAY, undated (? March, 1836): *Lord Macaulay's Legislative Minutes*, ed. C. D. Dharker (1946), 175-80.

## 22. *Lord Durham's Report*

### (a) *The Quarrel of the Races*

THE lengthened and various discussions which had for some years been carried on between the contending parties in the colony, and the representations which had been circulated at home, had produced in mine, as in most minds in England, a very erroneous view of the parties at issue in Lower Canada. The quarrel which I was sent for the purpose of healing had been a quarrel between the executive government and the popular branch of the legislature. The latter body had, apparently, been contending for popular rights and free government. The executive government had been defending the prerogative of the Crown, and the institutions which, in accordance with the principles of the British constitution, had been established as checks on the unbridled exercise of popular power. Though, during the dispute, indications had been given of the existence of dissensions yet deeper and more formidable than any which arose from simply political causes, I had still, in common with most of my countrymen, imagined that the original and constant source of the evil was to be found in the defects of the political institutions of the provinces; that a reform of the constitution, or perhaps merely



the introduction of a sounder practice into the administration of the government; would remove all causes of contest and complaint. This opinion was strengthened by the well-known fact that the political dissensions which had produced their most formidable results in this province, had assumed a similar, though milder, form in the neighbouring colonies; and that the tranquillity of each of the North American provinces was subject to constant disturbance from collision between the executive and the representatives of the people. The constitutions of these colonies, the official characters and positions of the contending parties, the avowed subjects of dispute, and the general principles asserted on each side, were so similar, that I could not but concur in the very general opinion, that the common quarrel was the result of some common defect in the almost identical institutions of these provinces. I looked on it as a dispute analogous to those with which history and experience have made us so familiar in Europe—a dispute between a people demanding an extension of popular privileges, on the one hand, and an executive, on the other, defending the powers which it conceived necessary for the maintenance of order. I supposed that my principal business would be that of determining how far each party might be in the right, or which was in the wrong; of devising some means of removing the defects which had occasioned the collision; and of restoring such a balance of the constitutional powers as might secure the free and peaceful working of the machine of government.

In a dispatch which I addressed to your Majesty's Principal Secretary of State for the Colonies on the 9th of August last, I detailed, with great minuteness, the impressions which had been produced on my mind by the state of things which existed in Lower Canada: I acknowledged that the experience derived from my residence in the province had completely changed my view of the relative influence of the causes which had been assigned for the existing disorders. I had not, indeed, been brought to believe that the institutions of Lower Canada were less defective than I had originally presumed them to be.

are the imperial interests, which require this complete nullification of representative government. But if there be such a necessity, it is quite clear that a representative government in a colony must be a mockery, and a source of confusion. For those who support this system have never yet been able to devise, or to exhibit in the practical working of colonial government, any means for making so complete an abrogation of political influence palatable to the representative body. It is not difficult to apply the case to our own country. Let it be imagined that at a general election the opposition were to return 500 out of 658 members of the House of Commons, and that the whole policy of the ministry should be condemned, and every Bill introduced by it rejected by this immense majority. Let it be supposed that the Crown should consider it a point of honour and duty to retain a ministry so condemned and so thwarted; that repeated dissolutions should in no way increase, but should even diminish, the ministerial minority, and that the only result which could be obtained by such a development of the force of the opposition, were not the slightest change in the policy of the ministry, not the removal of a single minister, but simply the election of a Speaker of the politics of the majority; and, I think, it will not be difficult to imagine the fate of such a system of government. Yet such was the system, such literally was the course of events in Lower Canada, and such in character, though not quite in degree, was the spectacle exhibited in Upper Canada, and, at one time or another, in every one of the North American colonies. To suppose that such a system would work well there implies a belief that the French Canadians have enjoyed representative institutions for half a century, without acquiring any of the characteristics of a free people; that Englishmen renounce every political opinion and feeling when they enter a colony, or that the spirit of Anglo-Saxon freedom is utterly changed and weakened among those who are transplanted across the Atlantic.

It appears, therefore, that the opposition of the assembly to the government was the unavoidable result of a system which

d the popular branch of the legislature of the necessary  
ages of a representative body, and produced thereby a long  
of attempts on the part of that body to acquire control  
the administration of the province. I say all this without  
nce to the ultimate aim of the assembly, which I have  
described as being the maintenance of a Canadian  
ality against the progressive intrusion of the English  
Having no responsible ministers to deal with, it entered  
that system of long inquiries by means of its committees,  
brought the whole action of the executive immediately  
its purview, and transgressed our notions of the proper  
of parliamentary interference. Having no influence in  
voice of any public functionary, no power to procure the  
al of such as were obnoxious to it merely on political  
ds, and seeing almost every office of the colony filled by  
is in whom it had no confidence, it entered on that  
s course of assailing its prominent opponents individually,  
isqualifying them for the public service, by making them  
objects of inquiries and consequent impeachments, not  
s conducted with even the appearance of a due regard  
ice; and when nothing else could attain its end of altering  
olicy or the composition of the colonial government, it  
ecourse to that *ultima ratio* of representative power to  
the more prudent forbearance of the Crown has never  
the House of Commons in England, and endeavoured  
ble the whole machine of government by a general refusal  
supplies.

was an unhappy consequence of the system which I have  
describing that it relieved the popular leaders of all the  
ibilities of opposition. A member of opposition in this  
y acts and speaks with the contingency of becoming  
ster constantly before his eyes, and he feels, therefore,  
ecessity of proposing no course, and of asserting no  
oles, on which he would not be prepared to conduct the  
ument, if he were immediately offered it. But the colonial  
oguc bids high for popularity without the fear of future  
re. Hopelessly excluded from power, he expresses the

From the peculiar circumstances in which I was placed, I was enabled to make such effectual observations as convinced me that there had existed in the constitution of the province, in the balance of political powers, in the spirit and practice of administration in every department of the government, defects that were quite sufficient to account for a great degree of mismanagement and dissatisfaction. The same observation had also impressed on me the conviction, that, for the peculiar and disastrous dissensions of this province, there existed a far deeper and far more efficient cause—a cause which penetrated beneath its political institutions into its social state, a cause which no reform of constitution or laws, that should leave the elements of society unaltered, could remove; but which must be removed, ere any success could be expected in any attempt to remedy the many evils of this unhappy province. I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle, not of principles, but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English.

It would be vain for me to expect that any description I can give will impress on your Majesty such a view of the animosity of these races as my personal experience in Lower Canada has forced on me. Our happy immunity from any feelings of national hostility renders it difficult for us to comprehend the intensity of the hatred which the difference of language, of laws, and of manners, creates between those who inhabit the same village, and are citizens of the same state. We are ready to believe that the real motive of the quarrel is something else; and that the difference of race has slightly and occasionally aggravated dissensions, which we attribute to some more usual cause. Experience of a state of society, so unhappily divided as that of Lower Canada, leads to an exactly contrary opinion. The national feud forces itself on the very senses, irresistibly and palpably, as the origin or the essence of every

dispute which divides the community; we discover that dissensions, which appear to have another origin, are but forms of this constant and all-pervading quarrel; and that every contest is one of French and English in the outset, or becomes so ere it has run its course.

*Lord Durham's Report on the Affairs of British North America*, ed. Sir C. P. Lucas (1912), ii, 14-17: *Parliamentary Papers*, 1839, xvii, 7-9.

### (b) *Irresponsible Government*

Since the Revolution of 1688, the stability of the English Constitution has been secured by that wise principle of our government which has vested the direction of the national policy, and the distribution of patronage, in the leaders of the parliamentary majority. However partial the monarch might be to particular ministers, or however he might have personally committed himself to their policy, he has invariably been constrained to abandon both, as soon as the opinion of the people has been irrevocably pronounced against them through the medium of the House of Commons. The practice of carrying on a representative government on a different principle seems to be the rock on which the Continental imitations of the British Constitution have invariably split; and the French Revolution of 1830 was the necessary result of an attempt to uphold a ministry with which no parliament could be got to act in concert. It is difficult to understand how any English statesmen could have imagined that representative and irresponsible government could be successfully combined. There seems, indeed, to be an idea, that the character of representative institutions ought to be thus modified in colonies; that it is an incident of colonial dependence that the officers of government should be nominated by the Crown, without any reference to the wishes of the community, whose interests are entrusted to their keeping. It has never been very clearly explained what

carry his views into effect; and thus the prominent places in the ranks of opposition are occupied for the most part by men of strong passions, and merely declamatory powers, who think but little of reforming the abuses which serve them as topics for exciting discontent.

*Lord Durham's Report*, ii, 79-82: *Parliamentary Papers*, 1839, xvii, 29-31.

(c) *Ineffective Government by the Colonial Office*

The inevitable result of the animosities of race, and of the constant collision of the different powers of the state, which I have described, was a thorough disorganization of the institutions and administrative system of the country. I do not think that I necessarily cast any stigma on my predecessors in Lower Canada, or on the uniform good intentions which the Imperial Government has clearly evinced towards every class, and every race in the colony, when I assert, that a country which has been agitated by these social and political dissensions, has suffered under great misgovernment. The blame rests not on individuals, but on the vicious system, which has generated the manifold and deep-rooted abuses that pervade every department of the public service, and constitute the real grievances of the colony. These grievances are common to the whole people of Lower Canada; and it is not one race, or one party only, that suffers by their existence; they have hindered the prosperity, and endangered the security of all; though, unquestionably, the interests which have most materially been retarded by misgovernment, are the English. From the highest to the lowest officers of the executive government, no important department is so organized as to act vigorously and completely, throughout the province, and every duty

which a government owes to its subjects is imperfectly discharged.

The defective system of administration in Lower Canada commences at the very source of power; and the efficiency of the public service is impaired throughout, by the entire want in the colony of any vigorous administration of the prerogative of the Crown. The fact is, that, according to the present system, there is no real representative of the Crown in the province; there is in it, literally, no power which originates and conducts the executive government. The governor, it is true, is said to represent the sovereign, and the authority of the Crown is, to a certain extent, delegated to him; but he is, in fact, a mere subordinate officer, receiving his orders from the Secretary of State, responsible to him for his conduct, and guided by his instructions. Instead of selecting a governor, with an entire confidence in his ability to use his local knowledge of the real state of affairs in the colony in the manner which local observation and practical experience best prescribe for him, it has been the policy of the Colonial Department, not only at the outset to instruct a governor as to the general policy which he was to carry into effect, but to direct him, from time to time, by instructions, sometimes very precise, as to the course which he was to pursue, in every important particular of his administration. Theoretically irresponsible to the colonial legislature, the governor was, in effect, the only officer in the colony who was at all responsible; inasmuch as the assembly, by centring their attacks on him, and making him appear the sole cause of the difficulties of the government, could occasion him so much vexation, and represent him in so unfavourable a light at home, that it frequently succeeded in imposing on him the necessity of resigning, or on the Colonial Minister that of recalling him. In order to shelter himself from this responsibility, it has inevitably, and I must say very justifiably, been the policy of governors to take care that the double responsibility shall be as light as possible; to endeavour to throw it, as much as possible, on the home government, and to do as little as possible without previously consulting the

Colonial Minister at home, and receiving his instructions. It has, therefore, been the tendency of the local government to settle everything by reference to the Colonial Department in Downing Street. Almost every question on which it was possible to avoid, even with great inconvenience, an immediate decision, has been habitually the subject of reference; and this applies not merely to those questions on which the local executive and legislative bodies happened to differ, wherein the reference might be taken as a kind of appeal, but to questions of a strictly local nature, on which it was next to impossible for the Colonial Office to have any sufficient information. It had become the habit of the Colonial Office to originate these questions, to entertain applications from individuals, to refer these applications to the governor, and, on his answer, to make a decision. The governor has been enabled by this system to shift responsibility on the Colonial Office, inasmuch as in every important case he was, in reality, carrying into effect the order of the authority to which he was responsible. But the real vigour of the executive has been essentially impaired; distance and delay have weakened the force of its decisions; and the colony has, in every crisis of danger, and almost every detail of local management, felt the mischief of having its executive authority exercised on the other side of the Atlantic.

Nor has anything been gained, either in effectual responsibility or sound information, by thus transferring the details of executive government to the Colonial Department at home. The complete and unavoidable ignorance in which the British public, and even the great body of its legislators, are with respect to the real interests of distant communities, so entirely different from their own, produces a general indifference, which nothing but some great colonial crisis ever dispels; and responsibility to Parliament, or to the public opinion of Great Britain, would, except on these great and rare occasions, be positively mischievous, if it were not impossible. The repeated changes caused by political events at home having no connexion with colonial affairs, have left, to most of the various repre-



sentatives of the Colonial Department in Parliament, too little time to acquire even an elementary knowledge of the condition of those numerous and heterogeneous communities for which they have had both to administer and legislate. The persons with whom the real management of these affairs has or ought to have rested, have been the permanent but utterly irresponsible members of the Office. Thus the real government of the colony has been entirely dissevered from the slight nominal responsibility which exists. Apart even from this great and primary evil of the system, the pressure of multifarious business thus thrown on the Colonial Office, and the repeated changes of its ostensible directors, have produced disorders in the management of public business which have occasioned serious mischief, and very great irritation. This is not my own opinion merely; for I do but repeat that of a Select Committee of the present House of Assembly in Upper Canada, who, in a Report dated 8 February 1838, say, "It appears to your committee, that one of the chief causes of dissatisfaction with the administration of colonial affairs arises from the frequent changes in the office of Secretary of State, to whom the Colonial Department is intrusted. Since the time the late Lord Bathurst retired from that charge, in 1827, your committee believe there has not been less than eight Colonial Ministers, and that the policy of each successive statesman has been more or less marked by a difference from that of his predecessor. This frequency of change in itself almost necessarily entails two evils: *first*, an imperfect knowledge of the affairs of the colonies on the part of the Chief Secretary, and the consequent necessity of submitting important details to the subordinate officers of the Department; and, *second*, the want of stability and firmness in the general policy of the government; and which, of course, creates much uneasiness on the part of the governors, and other officers of the colonies, as to what measures may be approved."

*Lord Durham's Report*, ii, 100-4: *Parliamentary Papers*, 1839, xvii, 36-8.

(d) *The Remedy: Responsible Government*

The preceding pages have sufficiently pointed out the nature of those evils, to the extensive operation of which I attribute the various practical grievances, and the present unsatisfactory condition of the North American colonies. It is not by weakening, but strengthening the influence of the people on its government; by confining within much narrower bounds than those hitherto allotted to it, and not by extending the interference of the imperial authorities in the details of colonial affairs, that I believe that harmony is to be restored, where dissension has so long prevailed; and a regularity and vigour hitherto unknown, introduced into the administration of these provinces. It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British constitution, and introduce into the government of these great colonies those wise provisions, by which alone the working of the representative system can in any country be rendered harmonious and efficient. We are not now to consider the policy of establishing representative government in the North American colonies. That has been irrevocably done; and the experiment of depriving the people of their present constitutional power, is not to be thought of. To conduct their government harmoniously, in accordance with its established principles, is now the business of its rulers; and I know not how it is possible to secure that harmony in any other way, than by administering the government on those principles which have been found perfectly efficacious in Great Britain. I would not impair a single prerogative of the Crown; on the contrary, I believe that the interests of the people of these colonies require the protection of prerogatives, which have not hitherto been exercised. But the Crown must, on the other hand, submit to the necessary con-

sequences of representative institutions; and if it has to carry on the government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence.

In England, this principle has been so long considered an indisputable and essential part of our constitution, that it has really hardly ever been found necessary to inquire into the means by which its observance is enforced. When a ministry ceases to command a majority in Parliament on great questions of policy, its doom is immediately sealed; and it would appear to us as strange to attempt, for any time, to carry on a government by means of ministers perpetually in a minority, as it would be to pass laws with a majority of votes against them. The ancient constitutional remedies, by impeachment and a stoppage of the supplies, have never, since the reign of William III, been brought into operation for the purpose of removing a ministry. They have never been called for, because, in fact, it has been the habit of ministers rather to anticipate the occurrence of an absolutely hostile vote, and to retire, when supported only by a bare and uncertain majority. If colonial legislatures have frequently stopped the supplies, if they have harassed public servants by unjust or harsh impeachments, it was because the removal of an unpopular administration could not be effected in the colonies by those milder indications of a want of confidence, which have always sufficed to attain the end in the mother country.

The means which have occasionally been proposed in the colonies themselves appear to me by no means calculated to attain the desired end in the best way. These proposals indicate such a want of reliance on the willingness of the imperial government to acquiesce in the adoption of a better system, as, if warranted, would render an harmonious adjustment of the different powers of the State utterly hopeless. An elective executive council would not only be utterly inconsistent with monarchical government, but would really, under the nominal authority of the Crown, deprive the community of one of the great advantages of an hereditary monarchy. Every purpose of

popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the colonial governor to be instructed to secure the co-operation of the assembly in his policy, by entrusting its administration to such men as could command a majority; and if he were given to understand that he need count on no aid from home in any difference with the assembly, that should not directly involve the relations between the mother country and the colony. This change might be effected by a single dispatch containing such instructions; or if any legal enactment were requisite, it would only be one that would render it necessary that the official acts of the governor should be countersigned by some public functionary. This would induce responsibility for every act of the government, and, as a natural consequence, it would necessitate the substitution of a system of administration, by means of competent heads of departments, for the present rude machinery of an executive council. The governor, if he wished to retain advisers not possessing the confidence

of the assembly, would be obliged to resign the prospect of impeachment. But there can be no reason for apprehending that either party would enter on a contest, when each would find its interest in the maintenance of harmony; and the abuse of the powers which each would constitutionally possess, would cease when the struggle for larger powers became unnecessary. Nor can I conceive that it would be found impossible or difficult to conduct a colonial government with precisely that limitation of the respective powers which has been so long and so easily maintained in Great Britain.

I know that it has been urged, that the principles which are productive of harmony and good government in the mother country, are by no means applicable to a colonial dependency. It is said that it is necessary that the administration of a colony should be carried on by persons nominated without any reference to the wishes of its people; that they have to carry into effect the policy, not of that people, but of the

authorities at home; and that a colony which should name all its own administrative functionaries, would, in fact, cease to be dependent. I admit that the system which I propose would, in fact, place the internal government of the colony in the hands of the colonists themselves; and that we should thus leave to them the execution of the laws, of which we have long entrusted the making solely to them. Perfectly aware of the value of our colonial possessions, and strongly impressed with the necessity of maintaining our connexion with them, I know not in what respect it can be desirable that we should interfere with their internal legislation in matters which do not affect their relations with the mother country. The matters, which so concern us, are very few. The constitution of the form of government—the regulation of foreign relations, and of trade with the mother country, the other British colonies, and foreign nations—and the disposal of the public lands, are the only points on which the mother country requires a control. This control is now sufficiently secured by the authority of the imperial legislature; by the protection which the colony derives from us against foreign enemies; by the beneficial terms which our laws secure to its trade; and by its share of the reciprocal benefits which would be conferred by a wise system of colonization. A perfect subordination, on the part of the colony, on these points, is secured by the advantages which it finds in the continuance of its connexion with the Empire. It certainly is not strengthened, but greatly weakened, by a vexatious interference on the part of the home government, with the enactment of laws for regulating the internal concerns of the colony, or in the selection of the persons entrusted with their execution. The colonists may not always know what laws are best for them, or which of their countrymen are the fittest for conducting their affairs; but at least, they have a greater interest in coming to a right judgement on these points, and will take greater pains to do so than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the Empire. If the colonists make bad laws, and select improper persons to conduct their

cramble for superiority.  
has been my lot to derive, from long possession and influence, advantages which have overcome the worst of my own deficiencies; and it has been one maxim of my conduct (may I be pardoned for the apparent boast, but every allusion) to do what I knew was requisite to the safety, though I should doom my life to legal forfeiture, name to infamy. I could verify this by instances in my life, by an implicit submission to positive duty and express consent to the Company's possessions might have been devoted to the service, and even its existence annihilated. I hazarded my life for the service; and whatever may have been its effects, I at least had the happiness to see one portion of the British dominion in India rise from the lowest state of degradation, to another rescued from imminent subjection; and that the whole, enjoying the blessings of peace and internal security, while every other part of the general empire was oppressed by war, or the calamities of intestine dissension.

I may not expatiate on such a discussion. I mention it only to show that if the British power in India yet holds a reprieve from ruin, it derives its preservation from causes which are independent of its constitution; and that it might have been left to that alone for its protection.

The inference to be drawn from these premises is that whatever form of government may yet be established for these provinces, whether its control be extended to the other presidencies, or confined to its own demesnes, it is necessary that the Governor, or first executive member, should possess a personal absolute and complete within himself, and independent of external control. His character, which requires little more than two qualifications, an inflexible integrity and a judgement susceptible to the bias of foreign suggestion, should be previously ascertained, and its consistency assured by the sacrifice of his life for the faithful discharge of so great a trust. I have said that this is an unpopular doctrine, and liable to be rejected as opposite to our domestic constitution; but it

affairs, they will generally be the only, always the greatest, sufferers; and, like the people of other countries, they must bear the ills which they bring on themselves, until they choose to apply the remedy. But it surely cannot be the duty or the interest of Great Britain to keep a most expensive military possession of these colonies, in order that a governor or Secretary of State may be able to confer colonial appointments on one rather than another set of persons in the colonies. For this is really the only question at issue. The slightest acquaintance with these colonies proves the fallacy of the common notion that any considerable amount of patronage in them is distributed among strangers from the mother country. Whatever inconvenience a consequent frequency of changes among the holders of office may produce, is a necessary disadvantage of free government, which will be amply compensated by the perpetual harmony which the system must produce between the people and its rulers. Nor do I fear that the character of the public servants will, in any respect, suffer from a more popular tenure of office. For I can conceive no system so calculated to fill important posts with inefficient persons as the present, in which public opinion is too little consulted in the original appointment, and in which it is almost impossible to remove those who disappoint the expectations of their usefulness, without inflicting a kind of brand on their capacity or integrity.

I am well aware that many persons, both in the colonies and at home, view the system which I recommend with considerable alarm, because they distrust the ulterior views of those by whom it was originally proposed, and whom they suspect of urging its adoption, with the intent only of enabling them more easily to subvert monarchical institutions, or assert the independence of the colony. I believe, however, that the extent to which these ulterior views exist, has been greatly overrated. We must not take every rash expression of disappointment as an indication of a settled aversion to the existing constitution; and my own observation convinces me that the predominant feeling of all the English population of

the North American colonies is that of devoted attachment to the mother country. I believe that neither the interests nor the feelings of the people are incompatible with a colonial government, wisely and popularly administered. The proofs, which many who are much dissatisfied with the existing administration of the government have given of their loyalty, are not to be denied or overlooked. The attachment constantly exhibited by the people of these provinces towards the British Crown and Empire, has all the characteristics of a strong national feeling. They value the institutions of their country, not merely from a sense of the practical advantages which they confer, but from sentiments of national pride; and they uphold them the more, because they are accustomed to view them as marks of nationality, which distinguish them from their republican neighbours. I do not mean to affirm that this is a feeling which no impolicy on the part of the mother country will be unable to impair; but I do most confidently regard it as one which may, if rightly appreciated, be made the link of an enduring and advantageous connexion. The British people of the North American colonies are a people on whom we may safely rely, and to whom we must not grudge power. For it is not to the individuals who have been loudest in demanding the change, that I propose to concede the responsibility of the colonial administration, but to the people themselves. Nor can I conceive that any people, or any considerable portion of a people, will view with dissatisfaction a change which would amount simply to this, that the Crown would henceforth consult the wishes of the people in the choice of its servants.

The important alteration in the policy of the colonial government which I recommend, might be wholly or in great part effected for the present by the unaided authority of the Crown; and I believe that the great mass of discontent in Upper Canada, which is not directly connected with personal irritation, arising out of the incidents of the late troubles, might be dispelled by an assurance that the government of the colony should henceforth be carried on in conformity with the view of the majority in the assembly. But I think that for the



well-being of the colonies, and the security of the mother country, it is necessary that such a change should be rendered more permanent than a momentary sense of the existing difficulties can ensure its being. I cannot believe that persons in power in this country will be restrained from the injudicious interference with the internal management of these colonies, which I deprecate, while they remain the petty and divided communities which they now are. The public attention at home is distracted by the various and sometimes contrary complaints of these different contiguous provinces. Each now urges its demands at different times, and in somewhat different forms, and the interests which each individual complainant represents as in peril, are too petty to attract the due attention of the Empire. But if these important and extensive colonies should speak with one voice, if it were felt that every error of our colonial policy must cause a common suffering and a common discontent throughout the whole wide extent of British America, those complaints would never be provoked; because no authority would venture to run counter to the wishes of such a community, except on points absolutely involving the few imperial interests, which it is necessary to remove from the jurisdiction of colonial legislation. -

*Lord Durham's Report*, ii, 277-86; *Parliamentary Papers*, 1839, xvii, 100-2.

### (c) *The Anglicization of Lower Canada*

These general principles apply, however, only to those changes in the system of government which are required in order to rectify disorders common to all the North American colonies; but they do not in any degree go to remove those evils in the present state of Lower Canada which require the most immediate remedy. The fatal source of evil, which is the cause of the present disorders, would be perpetuated at the present moment by any change, which should give us

majority more power than they have hitherto possessed. A plan by which it is proposed to ensure the tranquil government of Lower Canada must include in itself the means of putting an end to the agitation of national disputes in the legislature, by settling, at once and for ever, the national character of the province. I entertain no doubts as to the national character which must be given to Lower Canada; it must be that of the British Empire; that of the majority of the population of British America; that of the great race which must, in the lapse of no long period of time, be predominant over the whole North American continent. Without effecting the change so rapidly or so roughly as to shock the feelings and trample on the welfare of the existing generation, it must henceforth be the first and steady purpose of the British government to establish an English population, with English laws and language, in this province, and to trust its government to none but a decidedly English legislature.

It may be said that this is a hard measure to a conquered people; that the French were originally the whole, and still are the bulk of the population of Lower Canada; that the English are newcomers, who have no right to demand the extinction of the nationality of a people, among whom commercial enterprise has drawn them. It may be said that, if the French are not so civilized, so energetic, or so money-making a race as that by which they are surrounded, they are an amiable, a virtuous, and a contented people, possessing all the essentials of material comfort, and not to be despised or ill-used, because they seek to enjoy what they have, without emulating the spirit of accumulation, which influences their neighbours. Their nationality is, after all, an inheritance; and they must be not too severely punished, because they have dreamed of maintaining on the distant banks of the St. Lawrence, and transmitting to their posterity, the language, the manners, and the institutions of that great nation, that for two centuries gave the tone of thought to the European continent. If the disputes of the two races are irreconcilable, it may be urged that justice demands that the minority should

be compelled to acquiesce in the supremacy of the ancient and most numerous occupants of the province, and not pretend to force their own institutions and customs on the majority.

But before deciding which of the two races is now to be placed in the ascendant, it is but prudent to inquire which of them must ultimately prevail; for it is not wise to establish today that which must, after a hard struggle, be reversed tomorrow. The pretensions of the French Canadians to the exclusive possession of Lower Canada would debar the yet larger English population of Upper Canada and the Townships from access to the great natural channel of that trade which they alone have created, and now carry on. The possession of the mouth of the St. Lawrence concerns not only those who happen to have made their settlements along the narrow line which borders it, but all who now dwell, or will hereafter dwell, in the great basin of that river. For we must not look to the present alone. The question is, by what race is it likely that the wilderness which now covers the rich and ample regions surrounding the comparatively small and contracted districts in which the French Canadians are located, is eventually to be converted into a settled and flourishing country? If this is to be done in the British dominions, as in the rest of North America, by some speedier process than the ordinary growth of population, it must be by immigration from the English isles, or from the United States—the countries which supply the only settlers that have entered, or will enter, the Canadas in any large numbers. This immigration can neither be debarred from a passage through Lower Canada, nor even be prevented from settling in that province. The whole interior of the British dominions must ere long be filled with an English population, every year rapidly increasing its numerical superiority over the French. Is it just that the prosperity of this great majority, and of this vast tract of country, should be for ever, or even for a while, impeded by the artificial bar which the backward laws and civilization of a part, and a part only, of Lower Canada, would place between them and the ocean? Is it to be supposed that such an English

population will ever submit to such a sacrifice of its interests?

I must not, however, assume it to be possible that the English Government shall adopt the course of placing or allowing any check to the influx of English immigration into Lower Canada, or any impediment to the profitable employment of that English capital which is already vested therein. The English have already in their hands the majority of the larger masses of property in the country; they have the decided superiority of intelligence on their side; they have the certainty that colonization must swell their numbers to a majority; and they belong to the race which wields the imperial government, and predominates on the American continent. If we now leave them in a minority, they will never abandon the assurance of being a majority hereafter, and never cease to continue the present contest with all the fierceness with which it now rages. In such a contest they will rely on the sympathy of their countrymen at home; and if that is denied them, they feel very confident of being able to awaken the sympathy of their neighbours of kindred origin. They feel that if the British government intends to maintain its hold of the Canadas, it can rely on the English population alone; that if it abandons its colonial possessions, they must become a portion of that great Union which will speedily send forth its swarms of settlers, and by force of numbers and activity, quickly master every other race. The French Canadians, on the other hand, are but the remains of an ancient colonization, and are and ever must be isolated in the midst of an Anglo-Saxon world. Whatever may happen, whatever government shall be established over them, British or American, they can see no hope for their nationality. They can only sever themselves from the British Empire by waiting till some general cause of dissatisfaction alienates them, together with the surrounding colonies, and leaves them part of an English confederacy; or, if they are able, by effecting a separation singly, and so either merging in the American Union, or keeping up for a few years a wretched semblance of feeble independence, which would expose them more than ever to the intrusion of the surrounding

population. I am far from wishing to encourage indiscriminately these pretensions to superiority on the part of any particular race; but while the greater part of every portion of the American continent is still uncleared and unoccupied, and while the English exhibit such constant and marked activity in colonization, so long will it be idle to imagine that there is any portion of that continent into which that race will not penetrate, or in which, when it has penetrated, it will not predominate. It is but a question of time and mode; it is but to determine whether the small number of French who now inhabit Lower Canada shall be made English, under a government which can protect them, or whether the process shall be delayed until a much larger number shall have to undergo, at the rude hands of its uncontrolled rivals, the extinction of a nationality strengthened and embittered by continuance.

And is this French Canadian nationality one which, for the good merely of that people, we ought to strive to perpetuate, even if it were possible? I know of no national distinctions marking and continuing a more hopeless inferiority. The language, the laws, the character of the North American continent are English; and every race but the English (I apply this to all who speak the English language) appears there in a condition of inferiority. It is to elevate them from that inferiority that I desire to give to the Canadians our English character. I desire it for the sake of the educated classes, whom the distinction of language and manners keeps apart from the great Empire to which they belong. At the best, the fate of the educated and aspiring colonist is, at present, one of little hope, and little activity; but the French Canadian is cast still further into the shade, by a language and habits foreign to those of the Imperial Government. A spirit of exclusion has closed the higher professions to the educated classes of the French Canadians more perhaps than was absolutely necessary; but it is impossible for the utmost liberality on the part of the British government to give an equal position in the general competition of its vast population to those who speak a foreign language. I desire the amalgamation still more for the sake of

the humbler classes. Their present state of rude and equal plenty is fast deteriorating under the pressure of population in the narrow limits to which they are confined. If they attempt to better their condition, by extending themselves over the neighbouring country, they will necessarily get more and more mingled with an English population: if they prefer remaining stationary, the greater part of them must be labourers in the employ of English capitalists. In either case it would appear that the great mass of the French Canadians are doomed, in some measure, to occupy an inferior position, and to be dependent on the English for employment. The evils of poverty and dependence would merely be aggravated in a tenfold degree by a spirit of jealous and resentful nationality, which should separate the working class of the community from the possessors of wealth and employers of labour. . . .

The only power that can be effectual at once in coercing the present disaffection, and hereafter obliterating the nationality of the French Canadians, is that of a numerical majority of a loyal and English population; and the only stable government will be one more popular than any that has hitherto existed in the North American colonies. The influence of perfectly equal and popular institutions in effacing distinctions of race without disorder or oppression, and with little more than the ordinary animosities of party in a free country, is memorably exemplified in the history of the state of Louisiana, the laws and population of which were French at the time of its cession to the American Union. And the eminent success of the policy adopted with regard to that State, points out to us the means by which a similar result can be effected in Lower Canada.

*Lord Durham's Report*, ii, 288-93, 299: *Parliamentary Papers*, 1839, xvii, 103-5, 107-8.

### 23. *The Remedy for the Slave Trade*

ENGLAND is at peace. Since the abolition of the slave trade

by Great Britain, it is not too much to say that there has been, both at home and amongst many of the nations of the Continent, an increase of a benevolent and enlightened spirit. Our sincerity with regard to the slave trade has been established, by sacrifices which admit of no misconstruction. The principles involved in that great measure have been carried out by the abolition of slavery, and by the willingness of the nation to pay the price of that most costly act of duty. Thus, then, we are in a condition (our own hands being clean) to ask the co-operation of France, Russia, the United States, and other great powers; and we have a right to demand from Spain, Portugal, and Brazil that they should no longer delay the execution of their engagements.

Again, there are certain circumstances which render Africa far more accessible than at any former period. We now know the course of the Niger, and an entrance into the centre of Africa is opened by means of this noble river. We have now got, in *steam*, a power which enables us to traverse it; to pass rapidly through the unhealthy parts of it; to ascend it against the current; in short, to command its navigation.

Beyond, and besides all these, there is another circumstance lately brought into existence which may supply us with the necessary agents capable of enduring the African climate. I wish not, with too sanguine an eye, to anticipate the course of events, but I cannot help believing, as I have elsewhere stated, that in the present condition of the negro race in our West Indian colonies lies one of the best hopes of Africa. They are rising, under the influence of freedom, education, and religion, to a rank which will fit them to be messengers of peace to the land from which their fathers were torn; and already, though the time has been so short, various, distinct, and unconcerted symptoms have appeared, proving that "it pitieth them to see her in the dust."

At the moment, then, that a highway is discovered into the heart of Africa, and that a new power is placed in our hands enabling us to command its navigation, and that agents present themselves qualified by physical constitution to endure the

climate, and by intellectual cultivation to carry with them the seeds of true improvement; at that moment, we learn the utter fallacy and inutility of the system for the suppression of the slave trade which we have hitherto been pursuing.

But there is another consideration, though quite of a different order, which bears strongly upon this point. New markets for the sale of our manufactured articles are urgently required, at a time when we are *excluded from some of our accustomed channels of sale.*

Nor is the supply of the raw material less important; new fields for its growth ought to be opened, in proportion to the increasing consumption of the world. I firmly believe that, if commercial countries consulted only their true interests, without reference to motives of a higher character, they would make the most resolute and persevering attempts to raise up Africa—not to divide her broad territory amongst them, nor to enslave her people, but in order to elevate her into something like an equality with themselves, for their reciprocal benefit.

But I am well aware that it is a case in which we must act under circumstances of considerable discouragement; and especially that of our great ignorance with regard to the real internal condition of Africa, both physical and moral.

Upon any other subject, the dimness of our knowledge would supply an unanswerable reason for pausing; but the state of Africa admits no delay. The complicated horrors which are crowded into the space of a single month furnish sufficient reasons for all possible dispatch and for adventuring on measures which, under other circumstances, would be premature and probably rash. Better to fall into a thousand errors in the detail, and to incur the expense and mortification of the miscarriages they will cause, than to sit still and leave Africa to her woeful fate.

If nothing be done, Africa will be at the end of 50 or 100 years what she now is, and we shall still be as ill informed as we now are of the readiest means for her relief. But if we grapple with the evil, we shall either find ourselves in the right



road, or grope our way to it; and the very mistakes we now make will serve to direct us aright hereafter.

I am not so sanguine as to suppose that we can at once, by a single effort, solve the problem which lies before us. The deliverance of Africa will put our patience and perseverance to no ordinary trial. We must deliberately make up our minds to large and long-continued expense, to persevering labours, and to severe disappointments. I wish not in any degree to conceal from myself or from others these truths.

But the question is—Shall such an experiment be made? There are two mighty arguments which should prompt us to such an undertaking: the intense miseries of Africa, and the peculiar blessings which have been showered upon this country by the mercy of Divine Providence. With regard to the first, I need not again plunge into the sickening details of the horrors which accompany this bloody trade, and of the sanguinary rites which there bear the name of religion. Whether we look to the vast space which is there made a theatre of public misery, or calculate how many deeds of cruelty and carnage must be perpetrated every day in the year, in order to make up the surprising total of human distress which, by indisputable documents, we know to be realized, there is enough to awaken the deepest pity, and to arouse the most energetic resolution.

Turning to the second consideration, we cannot fail to see how signally this nation has been preserved, and led forward to an extent of power and prosperity beyond what almost any other nation has been permitted to reach. "It is not to be doubted that this country has been invested with wealth and power, with arts and knowledge, with the sway of distant lands, and the mastery of the restless waters, for some great and important purpose in the government of the world. Can we suppose otherwise than that it is our office to carry civilization and humanity, peace and good government, and above all the knowledge of the true God, to the uttermost end of the earth?"<sup>1</sup>

<sup>1</sup> The Rev. Mr. Whewell's Sermon before the Trinity Board. (*Note in original.*)

Since that passage was written, Great Britain has refuted the idle, yet once the all but universal doctrine, that confusion, havoc, and bloodshed must follow the extinction of slavery. And with this doctrine of universal convulsion has also fallen the allegation that negroes will not work except under the impulse of the whip. It is confessed by every authority that wages have charmed away what used to be called "the natural and incurable indolence of the African." I do not say a single word here upon the controverted question whether the negroes demand excessive remuneration. We may assume, for the sake of argument, that they are exorbitant. This may be a fault, though, under all the circumstances, not an unnatural or surprising one; but this does not touch my assertion, grounded upon all the papers which have been produced to Parliament, that, when satisfied with the rate of wages, they do labour industriously, and execute more work, in better style, and in less time, than when they were slaves. There never was a greater delusion than that negroes could not be induced to work for money.

A nobler achievement now invites us. I believe that Great Britain can, if she will, under the favour of the Almighty, confer a blessing on the human race. It may be that at her bidding a thousand nations now steeped in wretchedness, in brutal ignorance, in devouring superstition, possessing but the one trade, and that one the foulest evil that ever blighted public prosperity or poisoned domestic peace, shall, under British tuition, emerge from their debasement, enjoy a long line of blessings—education, agriculture, commerce, peace, industry, and the wealth that springs from it; and, far above all, shall willingly receive that religion which, while it confers innumerable temporal blessings, opens the way to an eternal futurity of happiness.

I have already confessed that I am not experienced or skilful in matters which touch the commercial part of the question. I tread this ground with diffidence. I say no more than that it appears to me that, the soil in Africa being rich and the people being found upon it, it is not advisable to carry

them to a distance. It is possible, however, that some fallacy, unsuspected by me, may lurk under my theory, if theory of mine it can be called; but when I come to humanity, justice, and the duties of Christian men, I stand upon a rock. It may be, or it may not, that while we act under the impulse of charity to the most afflicted of mankind, we are also obeying the dictates of the most far-sighted policy and the most refined ambition. It may prove, or it may not, that while we are leading Africa to grow at home cheaper sugar than Brazil and cheaper cotton than the United States, we are renovating the very sinews of our national strength. Be this as it may, without doubt it is the duty of Great Britain to employ the influence and the strength which God has given her, in raising Africa from the dust, and enabling her, out of her own resources, to beat down slavery and the slave trade.

SIR THOMAS FOWELL BUXTON, *The African Slave Trade and its Remedy* (1840), 523-9.

#### 24. *The Incompetence of the Colonial Office*

WE have described the secret and irresponsible, but steady rule of Mr. Mothercountry, in whom we have personified the permanent and unknown officials of the Colonial Office in Downing Street,<sup>1</sup> as very much better for our colonies than that to which they would be subjected, were the perpetually shifting Secretaries and Under-Secretaries of State really to pretend to conduct affairs of which they understand nothing. It must not be inferred from this that we think it a really good system. It has all the faults of an essentially arbitrary government, in the hands of persons who have little personal

<sup>1</sup> See also "The Colonial Office and the North American Problems" (*Canadian Historical Review*, v, 22-41).

interest in the welfare of those over whom they rule—who reside at a distance from them—who never have ocular experience of their condition—who are obliged to trust to second-hand and one-sided information—and who are exposed to the operation of all those sinister influences which prevail wherever publicity and freedom are not established. In intelligence, activity, and regard for the public interests, the permanent functionaries of “the Office” may be superior to the temporary head that the vicissitudes of party politics give them; but they must necessarily be inferior to those persons in the colony, in whose hands the adoption of the true practice of responsible government would vest the management of local affairs.

A thorough knowledge of the internal economy of this vast number of different communities, situated at the most distant points of the globe, having the most diverse climates, races, productions, forms of government, and degrees of wealth and civilization, is necessarily one which the best-employed experience of the longest life can never be supposed to give. From his entrance into his office, the necessary labours of the day have occupied almost the whole of Mr. Mothercountry’s time and thoughts; and though we will give him credit for having picked up such information as elementary books can give, it cannot very well be imagined that he has learned from books, newspapers, and oral information all that mass of particulars respecting manners, things, and persons that is requisite for forming in the mind a complete picture of the social and political, the physical as well as the moral condition of those numerous countries. It is in the very nature of duties so laborious as his that Mr. Mothercountry should be able to attend to little except to the questions presented for his decision by the parties contending in the colonies, and should form his notion of their condition from these rather than from more extended reading and observation. Compelled to examine the complaints and answers of the various parties, he gradually imbibes the idea that the whole state of affairs is set forth in these statements and counter-statements. He fixes his eye on the grievances and squabbles that occupy the addresses of assemblies, the

dispatches of governors, and the disputes of officials; and gets to fancy, naturally enough, that these are the matters on which the mind of the colony is intent, and on which its welfare depends. Hence the result is that since, in colonies as elsewhere, the real interests of the community are overlooked in such disputes, Mr. Mothercountry has at his fingers' ends, after a long devotion to the subject, nothing better than a very complete knowledge of very immaterial incidents; and that when he fancies he knows all about a colony he has, in fact, only been diverting his attention from everything that is worth knowing respecting it. Thus, while the question of contending races was gradually breaking up the whole social system of Lower Canada, Mr. Mothercountry, unconscious of the mischief, thought that he was restoring order and satisfaction by well-reasoned dispatches on points of prerogative and precedent. Experience may give Mr. Mothercountry more information respecting the whole mass of our colonies than any other individual probably possesses. But it is, after all, a very incomplete information, and one which does not prevent his continually committing those gross blunders of which our colonial history is the record. . . .

But the worst of all Mr. Mothercountry's faults is his necessary subjection to sinister interests and cabals. Wherever the public cease to take an interest in what is going on, the reign of cliques and cabals is sure to extend; and whenever the actions of the government are not guided by public opinion, they inevitably fall under the influence of some sinister interest. Every one of our colonies has . . . . . and its own little knots of . . . . . These spare no pains to get . . . . . Backed by some strong mercantile, or official, or parliamentary connexion, they press their views on him; relying partly on their better knowledge of the peculiar subject on which they have so deep an interest, partly on the fear they can inspire by the threat of an appeal to Parliament or the Press. Then again there are persons whose past official position and party connexions enable them to bring a strong party influence to bear

on him. On one or two points there has been excited a powerful interest, which has organized itself into associations, represented by constituted bodies and accredited officers, always ready to push their own views, and able to excite a strong public feeling on their particular point if their representations should be neglected. While these narrow views and partial interests have these active organs, the colonial public and the interests of the colony have rarely any, never equally efficient representatives. A long experience has taught Mr. Mothercountry that without conciliating these various juntas he never can hope to govern quietly, but that if he manage to get their concurrence he runs little risk of effectual opposition from either the British or colonial public. His whole aim, therefore, necessarily is to conciliate all of these bodies, or when their interests happen to run counter, either to give each its turn, or to conciliate the most powerful. One day, accordingly, we find him conciliating the knot of merchants that enjoy the existing monopoly; another day, those who are exerting themselves for a freer trade; at one time he is holding out his hand to the West India interest; another time he seems to be entirely under the influence of the Abolitionists. These are the sectional influences under which such a government is sure to fall, owing to its freedom from responsibility to a wide public opinion.

The worst instance of the operation of these secret influences of Mr. Mothercountry is to be found in the colonial appointments. If he were left to himself, and could appoint as he chose, he might doubtless job a little, but, on the whole, he would probably pay some regard to competence in some of his appointments. But the patronage of the Colonial Office is the prey of every hungry department of our government. On it the Horse Guards quarters its worn-out General Officers as governors: the Admiralty cribs its share; and jobs which even parliamentary rapacity would blush to ask from the Treasury are perpetrated with impunity in the silent realm of Mr. Mothercountry. O'Connell, we are told, after very bluntly informing Mr. Ruthven that he had committed a fraud which

would for ever unfit him for the society of gentlemen at home, added, in perfect simplicity and kindness of heart, that if he would comply with his wishes and cease to contest Kildare, he might probably be able to get some appointment for him in the colonies. . . .

There are rooms in the Colonial Office, with old and meagre furniture, book-cases crammed with colonial gazettes and newspapers, tables covered with baize, and some old and crazy chairs scattered about, in which those who have personal applications to make are doomed to wait until the interview can be obtained. Here, if perchance you should some day be forced to tarry, you will find strange, anxious-looking beings, who pace to and fro in feverish impatience, or sit dejected at the table, unable in the agitation of their thoughts to find any occupation to while away their hours, and starting every time that the door opens, in hopes that the messenger is come to announce that their turn is arrived. These are men with colonial grievances. The very messengers know them, their business, and its hopelessness, and eye them with pity as they bid them wait their long and habitual period of attendance. No experienced eye can mistake their faces, once expressive of health, and confidence, and energy, now worn by hopes deferred, and the listlessness of prolonged dependence. One is a recalled governor, boiling over with a sense of mortified pride and frustrated policy; another, a judge, recalled for daring to resist the Compact<sup>1</sup> of his colony; another, a merchant, whose whole property has been destroyed by some job or oversight; another, the organ of the remonstrances of some colonial parliament; another, a widow struggling for some pension, on which her hopes of existence hang; and perhaps another is a man whose project is under consideration. Every one of these has passed hours in that dull but anxious attendance, and knows every nook and corner of this scene of his sufferings. The grievance originated probably long ago, and bandied about between colony and home, by letter or by

<sup>1</sup> Buller's reference here is to the so-called "Family Compact," a powerful conservative clique in Upper Canada.

interview, has dragged on its existence thus far. One comes to have an interview with the Chief Secretary; one, who has tried Chief and Under-Secretaries in their turn, is now doomed to waste his remonstrances on some clerk. One has been waiting days to have his first interview; another, weeks to have his answer to his memorial; another, months in expectation of the result of a reference to the colony; and some reckon the period of their suffering by years. Some are silent; some utter aloud their hopes or fears, and pour out their tale on their fellow-sufferers; some endeavour to conciliate by their meekness; some give vent to their rage when, after hours of attendance, the messenger summons in their stead some sleek contented-looking visitor, who has sent up his name only the moment before, but whose importance as a Member of Parliament, or of some powerful interest or society, obtains him an instant interview. And if by chance you should see one of them at last receive the long-desired summons, you will be struck at the nervous reluctance with which he avails himself of the permission. After a short conference, you will generally see him return with disappointment stamped on his brow and, quitting the Office, wend his lonely way home to despair, or perhaps to return to his colony and rebel. These chambers of woe are called *The Sighing Rooms*: and those who recoil from the sight of human suffering should shun the ill-omened precincts.

CHARLES BULLER, *Responsible Government for Colonies* (1840): E. M. Wrong, *Charles Buller and Responsible Government* (1926), 151-62.

## 25. Lord Sydenham's *Principles of Government in Canada*

I HAVE got my House into capital order—a sure majority of two to one upon any question I choose and in support of my administration; and whoever follows me may now, with management, keep everything quiet and rule with comfort.



There may be a little bickering about the Civil List, but I do not dread it. All the topics that could be brought forward to test the House came on in the debate on the Address which lasted according to the practice of this country three or four days. Baldwin's resignation<sup>1</sup>—confidence in the administration—responsible government—the parliamentary terms of the Union—on all we came off triumphant in debate and divisions, and I have the House completely in hand. I can give you no better proof than one occurrence. They introduced some rather ambiguous words about the Union, and passed them in committee in spite of my cabinet. I sent for the Members who I knew had voted only from ignorance, not intention, and away they went directly and voted the words out again upon the report, by a very large majority!

It has been no easy matter to do all this, for I have it all on my own shoulders. My Lower Canadian members of the government know none of the people of the Upper Province and those from Upper Canada are unluckily unpopular. Harrison, the Civil Secretary, the best man I have, is unluckily not in the House, though he will be returned by acclamation next week for Kingston. Then they have none of them the slightest notion of carrying on a government in the House, so I am obliged to be *Leader* myself, which as I cannot go there is awkward and takes up a great deal of time. What between lecturing Members every morning and schooling my cabinet every day my hands are therefore pretty full. However, I have certainly as good men in the government as are to be found, and when they learn the new system and acquire confidence I have no doubt they will do very well. And, which is the principal point, I have three fourths of the assembly with *me* personally, and a perfect certainty, felt not only by myself but by *them*, that if they were to pretend to oppose *me* their constituents would send them to the right about on the first opportunity. So you may consider the problem to be solved

<sup>1</sup> Robert Baldwin, the leading Canadian Reformer, accepted office as Solicitor-General for Upper Canada, but resigned almost immediately on a disagreement with Sydenham.

and my work done. The session will be a quiet one, and I shall carry the measures I want and have a well-established system for those who succeed me.

LORD SYDENHAM to Lord John Russell, 27 June 1841:  
*Letters from Lord Sydenham . . . to Lord John Russell* (1931), 146-7.

## 26. *The Economic Position of Jamaica After the Emancipation of the Slaves*

It is indeed true that the time has passed when the eyes of the British public were turned to these islands and their sympathies stirred by questions affecting the welfare of the colonists—but it may be doubtful whether the events of that exciting period tended to issues more important and interesting than those which are now in progress. The Act of emancipation was the commencement of a great work of wisdom and philanthropy, not its consummation. Other communities composed of mixed African and European races have, like the British colonies in this quarter, achieved freedom. But it is a melancholy fact that they are more frequently referred to as a warning by its adversaries than quoted as examples by its friends. It remains for Great Britain to raise the emancipated slave morally and intellectually as well as socially—to obliterate animosities which distinctions of blood, colour and condition have contributed to imprint in characters well-nigh indelible—and to prove that the material prosperity of communities thus constituted is attainable by other means than the systematic violation of the highest moral obligations.

The want of some bond of principle and sympathy to draw together the friends of the negro and the planter, and a distrust of each other's aims and motives arising from this cause, constituted in my judgement when I came here the chief obstacle to the realization of these views. It was not indeed wonderful that the negro in whose mind field labour on estates

was associated only with recollections of the degradation of slavery, and who had been accustomed to look to his provision ground as the spot in which he had cherished whatever remained to him of the sense of property or independence, should, when he became free, have shown a disposition to labour on his own account rather than for another. Nor was it to be expected that the planter would anticipate anything but evil from the working of a system opposed to all his experience and prepossessions. It was natural therefore that the belief should but too generally obtain that there was a practical antagonism between the moral and intellectual claims of one class and the material interests of the other. Nevertheless a conviction of this nature could not fail to operate powerfully as a bar to social progress. It estranged from one another many honest and upright men. It gave a false and party colouring to questions of practical and economical importance such as immigration, which it was most desirable to approach in a candid and dispassionate spirit. The discovery of some common ground, on which intelligent and conscientious men representing these apparently conflicting interests might meet to concert measures for the common good, appeared to be in the state of things an object of primary importance. On this basis only did it seem to be possible to found a scheme of policy sufficiently comprehensive to conciliate general support, and sufficiently progressive to contribute towards the development of that new order of social relations into which the materials supplied by emancipation were about to arrange themselves.

To this object, as involving practical issues of vast importance, my attention has been unceasingly directed since the government of the colony devolved upon me. Every day's observation and experience has strengthened in my mind the belief that the interests of both classes, rightly understood, lie in the same direction. Whatever may be the case with smaller islands differently circumstanced, it has always appeared to me that in this colony, where there is so great an abundance of cheap and uncultivated land, no measures for producing an immediate increase of population that are practicable and

consistent with the first principles of liberty could occasion such a pressure on the means of subsistence as to reduce wages to the lowest point, and render the peasantry absolutely dependent upon them, so long as they are content to live as slaves have lived before them. The best security for their looking to something beyond what their provision grounds furnish is to be found in the encouragement among them of those tastes and habits which civilization creates, leading as such tastes and habits inevitably do to the existence of wants which cannot be gratified without exertion and money. But if these views be sound, it follows that the improvement of the negro is the first interest of the planter. Other measures may be useful to him, but only when pursued in due subordination to this end.

In order to give a practical shape and currency to these opinions, it was necessary to wean the planter from the exclusive reliance which he had heretofore placed on the methods of slavery and the foreign aid of immigration,<sup>1</sup> and to turn his attention to resources within his reach, more especially to such as called for the exercise of a higher degree of skill and intelligence on the part of the labourer. . . .

The endeavours made to evoke a spirit of improvement among the planters themselves have not been without effect. Plans of economy and amendment emanating not from suspected quarters, but from persons actually engaged in the management of estates, and conversant with the merits and defects of the existing practice, have been eagerly adopted and disseminated by the Press. Societies have been formed for the advancement of scientific and practical agriculture, from which every extraneous topic, not excepting immigration, is excluded. As sounder and healthier convictions with respect to the prospects of the colony and the capabilities of a free system of cultivation have gained the ascendant, a clearer light has been shed on the connexion subsisting between the improvement of the peasant and the interest of the owner of the soil: and the value of property has been affected, estates finding purchasers

<sup>1</sup> By "immigration" Elgin means primarily the immigration, under a system of indentures, of coolie labour from India.

which shortly before were unsaleable. These and similar indications of material and moral progress can be estimated at their full value only by those who have the means of observing what is passing, or of communicating extensively with persons on the spot.

The facts I have mentioned were the more significant, and distinctly traceable to an action on the public mind, because there was nothing to account for them in the external circumstances of the colony at the time. Until the close of 1844 the seasons were unpropitious, the crops annually diminishing, and the fiscal measures of the home government, as affecting the produce of the island, regarded with apprehension. . . .

Recent proceedings in the legislature would seem to indicate that a modification had taken place in the views of the colonists in reference to immigration; nor is it difficult to ascribe this apparent change of sentiment to the true cause. Since the attention of persons interested in estates has been drawn to the vast importance of science and skill in the conduct of agricultural operations, and to the lavish waste of labour which characterized the slave system of cultivation, less faith has been placed in immigration as the panacea for all ills affecting the colony. This topic, however, involves so materially the welfare of all classes, and it bears so closely on the subject of my present communication, that I do not think it proper to dismiss it without more detailed notice.

To immigration carried on in connexion with the adoption of improved agricultural processes—with a due consideration to the finances of the colony and to the moral interests of the existing peasantry—I have been at all times favourable. Looking at the vast amount of fixed capital already vested in the soil of the island, the deficiency of slaves which existed on many estates before emancipation, the extensive withdrawal from field labour which took place after that event, and the degree to which the peasantry, in good seasons more especially, are independent of wages—I have never seen reason to doubt that a large addition to the population might be made consistently with the above-named objects: nor is it easy to define

the extent to which this increase might be safely carried, if accompanied by a corresponding influx of capital.

But there is a wide difference between these views and those which prevailed on this subject in many quarters when I came to the colony. I have always considered a reliance on immigration exclusively, as the only practical and available remedy for the material difficulties of the colony, to be a serious evil, and averse to its best interests. At the time to which I refer it had already led to a reckless expenditure of the public funds. It was based on the hypothesis, expressed or understood, that the system of husbandry pursued during slavery was alone suited to tropical cultivation. Its tendency therefore was to discourage agricultural improvement, and to retard the growth of that more intimate sympathy between the enlightened friends of the planter and the peasant which I was so desirous to promote. . . .

On the whole, then, I think it may safely be concluded that the prospects of the colony are favourable, and that it is steadily advancing towards that condition of prosperity and social happiness in which the reasonable expectations of the friends of emancipation will be fulfilled. Nevertheless, in some particulars, its progress has unquestionably been less rapid than might have been desired. Notwithstanding the attention bestowed on agriculture, our crops fall far short of those produced during slavery. In spite of improved prison discipline, crime has not diminished: the utmost that can be said on this point being that its increase appears to have received a check. And the teachers of every denomination affirm that there is a falling off in the attendance at schools.

This circumstance, lamentable though it be, admits of explanation. During the apprenticeship, and immediately after the establishment of freedom, undefined expectations of the advantage which book learning would confer were excited in the breasts of parents and children. It was looked to as the means of achieving political privileges and advancement in life.

As things have settled down these impressions have worn off. Social rights and the enjoyment of freedom and indepen-

dence have fallen to the lot of the instructed and ignorant alike. Parents, uneducated themselves, can hardly be expected to set a higher value on education for its own sake—and regular attendance at school is irksome to children here as elsewhere.

The object sought in the establishment of a Board of Education has been to mitigate this evil, both by providing funds in aid of well-conducted schools, and supplying if possible a stimulus to revive the declining interest. . . .

Education seems at one time to have been prized as the means of enabling the child of the labourer to emancipate himself from the pursuits in which his parent had been engaged. The excitement which this hope supplied has in a great degree ceased to operate. A more healthy impulse may perhaps be given in the same direction by the introduction of a course of instruction which promises both to connect the vocation of the husbandman with subjects of intellectual interest, and to render his labour more valuable to himself and his employer. The Act contemplates the formation of a Normal School of Industry, but the fund provided is totally inadequate to this object. Moreover, there are in this community special difficulties to encounter in the general introduction of an industrial system into schools. The climate is unfavourable to work out of doors. Some of the friends of the labouring class still look on field labour with a jealous eye as associated with the recollections of slavery. I may mention, as a proof of the truth of this allegation, that the *Baptist Herald* represents the endeavours of the Board of Education to introduce this system as an attempt to prevent the labourer from ever rising above the station in which he was born. It seems desirable, therefore, before venturing too far, to create if possible a feeling favourable to the subject by presenting it to the public in its most attractive guise as connected with questions of scientific and practical interest.

LORD ELGIN to Lord Stanley, 5 August 1845: Public Record Office, C.O. 137/284, printed in K. N. Bell and W. P. Morrell (ed.), *Select Documents on British Colonial Policy 1830-60* (1928), 424-8.

## 27. *The Relation of a Governor-General of Canada to the Colonial Office*

WITH regard to Instructions to the Governor-General of Canada for his guidance in the discharge of his duties in that office I feel a difficulty in submitting to Mr. Gladstone my views because I fear that they may seem not a little crude and trenchant. I will, however, venture to say in general that Canada appears to me to have shaken off or laid aside the colonial relation to this country and to have become, in everything but the name, a distinct state, receiving indeed its Governor from hence and submitting to our general laws of trade and navigation but otherwise self-governed so completely and so inevitably as to render almost superfluous and unmeaning any attempt to prescribe to the Governor any line of policy on any internal question whatever. So far as I have any means of knowledge Lord Stanley has been acting during the last four years on the conviction that he could not, and I believe on the principle that he ought not, to fetter the Governor's discretion about anything.

This, I am aware, may sound a very sweeping conclusion, and may seem to enounce a principle hardly compatible with the appropriate functions of the metropolitan government. Of the fact, however, that such has been the course of policy, or rather of no policy, I am so well convinced, and I believe it to have been so unavoidable a course, that it is my own opinion that a Governor of Canada is best instructed by resorting to the commonplaces which present themselves on such an occasion, and whose best recommendation it is that they convey little or no meaning. A man fit to govern Canada must and will act, as Lord Metcalfe has always done, on his own judgement and responsibility. A man not fit to govern Canada will, I believe, but have that unfitness increased and rendered the more dangerous if he is hampered by any rules of conduct from this country to which he may think it his duty



to adhere, even when adherence to them becomes impossible. There are, at this moment, in Canada almost as many Europeans as there were in the United States when they declared their independence—a very pregnant fact in many ways.

Minute by SIR JAMES STEPHEN, 12 January 1846:  
Public Record Office, C.O. 42/531, printed in  
K. N. Bell and W. P. Morrell (ed.), *Select Documents  
on British Colonial Policy 1830-60*, (1928) 87.

## 28. *Responsible Government in Nova Scotia*

I COME now to the second question which you have submitted to me in your dispatch, namely, the propriety of dissolving the present House of Assembly [in Nova Scotia]. . . .

I am of opinion that under all the circumstances of the case, the best course for you to adopt is to call upon the members of your present Executive Council to propose to you the names of the gentlemen whom they would recommend to supply the vacancies, which I understand to exist, in the present board. If they should be successful in submitting to you an arrangement to which no valid objection arises, you will of course continue to carry on the government through them, so long as it may be possible to do so satisfactorily and as they possess the necessary support from the legislature. Should the present Council fail in proposing to you an arrangement which it would be proper for you to accept, it would then be your natural course, in conformity with the practice in analogous cases in this country, to apply to the opposite party, and should you be able, through their assistance, to form a satisfactory Council, there will be no impropriety in dissolving the Assembly upon their advice; such a measure, under those circumstances, being the only mode of escaping from the difficulty which would otherwise exist of carrying on the government of the province upon the principles of the constitution.

The object with which I recommend to you this course is that of making it apparent that any transfer which may take place of political power from the hands of one party in the province to those of another is the result not of an act of yours but of the wishes of the people themselves, as shown by the difficulty experienced by the retiring party in carrying on the government of the province according to the forms of the constitution. To this I attach great importance; I have therefore to instruct you to abstain from changing your Executive Council until it shall become perfectly clear that they are unable, with such fair support from yourself as they have a right to expect, to carry on the government of the province satisfactorily and command the confidence of the legislature.

Of whatsoever party your Council may be composed, it will be your duty to act strictly upon the principle you have yourself laid down in the memorandum delivered to the gentlemen with whom you have communicated, that, namely, "of not identifying yourself with any one party," but instead of this "making yourself both a mediator and a moderator between the influential of all parties." In giving, therefore, all fair and proper support to your Council for the time being, you will carefully avoid any acts which can possibly be supposed to imply the slightest personal objection to their opponents, and also refuse to assent to any measures which may be proposed to you by your Council, which may appear to you to involve an improper exercise of the authority of the Crown for party rather than for public objects. In exercising, however, this power of refusing to sanction measures which may be submitted to you by your Council, you must recollect that this power of opposing a check upon extreme measures proposed by the party for the time in the government depends entirely for its efficacy upon its being used sparingly and with the greatest possible discretion. A refusal to accept advice tendered to you by your Council is a legitimate ground for its members to tender to you their resignation, a course they would doubtless adopt should they feel that the subject on which a difference had arisen between you and themselves was

one upon which public opinion would be in their favour. Should it prove to be so, concession to their views must, sooner or later, become inevitable, since it cannot be too distinctly acknowledged that it is neither possible nor desirable to carry on the government of any of the British provinces in North America in opposition to the opinion of the inhabitants.

Clearly understanding, therefore, that refusing to accede to the advice of your Council for the time being, upon a point on which they consider it their duty to insist, must lead to the question at issue being brought ultimately under the decision of public opinion, you will carefully avoid allowing any matter not of very grave concern, or upon which you cannot reasonably calculate upon being in the end supported by that opinion, to be made the subject of such a difference. And if, unfortunately, such a difference should arise, you will take equal care that its cause and the grounds of your own decision are made clearly to appear in written documents capable of being publicly quoted.

The adoption of this principle of action by no means involves the necessity of a blind obedience to the wishes and opinions of the members of your Council; on the contrary, I have no doubt that if they see clearly that your conduct is guided, not by personal favour to any particular men or party, but by a sincere desire to promote the public good, your objections to any measures proposed will have great weight with the Council, or, should they prove unreasonable, with the Assembly, or, in last resort, with the public.

Such are the general principles upon which the constitutions granted to the North American colonies render it necessary that their government should be conducted. It is, however, I am well aware, far easier to lay down these general principles than to determine in any particular case what is that line of conduct which an adherence to them should prescribe. In this your own judgement and a careful consideration of the circumstances in which you are placed must be your guide; and I have only, in conclusion, to assure you that Her Majesty will always be anxious to put the most favourable construction

upon your conduct in the discharge of the arduous duties imposed upon you by the high situation you hold in her service.

EARL GREY to Sir John Harvey, Lieutenant-Governor of Nova Scotia, 3 November 1846: *Parliamentary Papers*, 1847-8, xlii, 56-7.

## 29. *Canadian Politics: The Functions of a Governor*

SEVERAL causes co-operate to give to personal and party interests the overweening importance which attaches to them in the estimation of local politicians. There are no real grievances here to stir the depths of the popular mind. We are a comfortable people, with plenty to eat and drink, no privileged classes to excite envy, or taxes to produce irritation. It were ungrateful to view these blessings with regret, and yet I believe that they account in some measure for the selfishness of public men and their indifference to the higher aims of statesmanship.

The comparatively small number of members of which the popular bodies which determine the fate of provincial administrations consist is also, I am inclined to think, unfavourable to the existence of a high order of principle and feeling among official personages. A majority of ten in an assembly of seventy may probably be, according to Cocker, equivalent to a majority of 100 in an assembly of 700. In practice, however, it is far otherwise. The defection of two or three individuals from the majority of ten puts the administration in peril. Hence the perpetual patchwork and trafficking to secure this vote and that, which (not to mention other evils) so engrosses the time and thoughts of ministers that they have not leisure for matters of greater moment.

It must also be remembered that it is only of late that the popular assemblies in this part of the world have acquired the right of determining who shall govern them—of insisting, as we phrase it, that the administration of affairs shall be conducted

by persons enjoying their confidence. It is not wonderful that a privilege of this kind should be exercised at first with some degree of recklessness, and that, while no great principles of policy are at stake, methods of a questionable character for winning and retaining the confidence of these arbiters of destiny should be resorted to. . . .

My course in these circumstances is, I think, clear and plain. It may be somewhat difficult to follow occasionally, but I feel no doubt as to the direction in which it lies. I give to my ministers all constitutional support, frankly and without reserve, and the benefit of the best advice, such as it is, that I can afford them in their difficulties. In return for this I expect that they will, in so far as it is possible for them to do so, carry out my views for the maintenance of the connexion with Great Britain and the advancement of the interests of the province. On this tacit understanding we have acted together harmoniously up to this time, although I have never concealed from them that I intend to do nothing which may prevent me from working cordially with their opponents, if they are forced upon me.

That ministries and oppositions should occasionally change places is of the very essence of our constitutional system, and it is probably the most conservative element which it contains. By subjecting all sections of politicians in their turn to official responsibilities, it obliges heated partisans to place some restraint on passion, and to confine within the bounds of decency the patriotic zeal with which, when out of place, they are wont to be animated. In order, however, to secure these advantages, it is indispensable that the head of the government should show that he has confidence in the loyalty of all the influential parties with which he has to deal, and that he should have no personal antipathies to prevent him from acting with leading men.

ELGIN to Earl Grey, 27 May 1847: *Elgin-Grey Papers* (1937), i, 45-7.

### 30. *The Relation Between Britain and Canada*

LORD JOHN'S speech on the colonies seems to have been eminently successful at home. It is calculated, too, I think, to do good in the colonies; but for one sentence, the introduction of which I deeply deplore—the sting in the tail.<sup>1</sup> Alas for that sting in the tail! I much fear that when the liberal and enlightened sentiments, the enunciation of which by one so high in authority is so well calculated to make the colonists sensible of the advantages which they derive from their connexion with Great Britain, shall have passed away from their memories, there will not be wanting those who will remind them that, on this solemn occasion, the Prime Minister of England, amid the plaudits of a full senate, declared that he looked forward to the day when the ties which he was endeavouring to render so easy and mutually advantageous would be severed. And wherefore this foreboding? or, perhaps, I ought not to use the term foreboding, for really to judge by the comments of the Press on this declaration of Lord John's, I should be led to imagine that the prospect of these sucking democracies, after they have drained their old mother's life-blood, leaving her in the lurch, and setting up as rivals, just at the time when their increasing strength might render them a support instead of a burden, is one of the most cheering which has of late presented itself to the English imagination. But wherefore then this anticipation—if foreboding be not the correct term?

<sup>1</sup> The speech to which Elgin is referring was made by Lord John Russell in the House of Commons on 8 February 1850. Here is its conclusion: ". . . I anticipate indeed with others that some of the colonies may so grow in population and wealth that they may say—'Our strength is sufficient to enable us to be independent of England. The link is now become onerous to us—the time is come when we think we can, in amity and alliance with England, maintain our independence.' I do not think that that time is yet approaching. But let us make them as far as possible fit to govern themselves—let us give them, as far as we can, the capacity of ruling their own affairs—let them increase in wealth and population, and whatever may happen we of this great empire shall have the consolation of saying that we have contributed to the happiness of the world." (3 Hansard cviii, 567.)

Because Lord John and the people of England persist in assuming that the colonial relation is incompatible with maturity and full development. And is this really so incontestable a truth that it is a duty not only to hold but to proclaim it? Consider for a moment what is the effect of proclaiming it in our case. We have on this continent two great empires in presence, or rather, I should say, two great imperial systems. In many respects there is much similarity between them. In so far as powers of self-government are concerned it is certain that our colonists in America have no reason to envy the citizens of any state in the Union. The forms differ, but it may be shown that practically the inhabitants of Canada have a greater power in controlling their own destiny than those of Michigan or New York, who must tolerate a tariff imposed by twenty other states, and pay the expenses of war undertaken for objects which they profess to abhor. And yet there is a difference between the two cases; a difference, in my bumble judgement, of sentiment rather than substance, which renders the one a system of life and strength, and the other a system of death and decay. No matter how raw and rude a territory may be when it is admitted as a state into the Union of the United States, it is at once, by the popular belief, invested with all the dignity of manhood, and introduced into a system which, despite the combativeness of certain ardent spirits from the South, every American believes and maintains to be immortal. But how does the case stand with us? No matter how great the advance of a British colony in wealth and civilization, no matter how absolute the powers of self-government conceded to it, it is still taught to believe that it is in a condition of pupillage from which it must pass before it can attain maturity. For one I have never been able to comprehend why, elastic as our constitutional system is, we should not be able, now more especially when we have ceased to control the trade of our colonies, to render the links which bind them to the British Crown at least as lasting as those which unite the component parts of the Union. . . . One thing is, however, indispensable to the success of this or any other system of

colonial government. You must renounce the habit of telling the colonies that the colonial is a provisional existence. You must allow them to believe that, without severing the bonds which unite them to Great Britain, they may attain the degree of perfection, and of social and political development, to which organized communities of free men have a right to aspire.

ELGIN to Earl Grey, 23 March 1850: *Letters and Journals of James, Eighth Earl of Elgin*, ed. T. Walrond (1872), 115-16.

### 31. *The Adoption of Free Trade: Maintenance of the Colonial Connexion*

By the measures we have succeeded in carrying, for the alteration of the duties on sugar, coffee, and timber, for the repeal of the Navigation Laws, and for giving power to the local legislatures to abolish differential duties in the colonies, provision has been made for placing the colonial trade on a footing free from serious objection; while the accomplishment, at no very distant period, of the further improvements it still requires has obviously been ensured.

These measures, necessary and beneficial as I am convinced they will ultimately be admitted to have been, amounted however to nothing less than a revolution in an established system of policy, which could not fail to shock many long received opinions, and to bring about a great change in the relations hitherto subsisting between this country and the colonies. For more than two centuries, the great object of all European nations, in seeking to obtain possession of colonies, was the gain supposed to accrue from the monopoly of their commerce, which it was the practice for the parent state to maintain, while, on the other hand, it gave to their produce a preference in its own markets. This policy began to be relaxed by Parliament immediately after the American Revolution (of which calamity it was, in truth, the chief cause); but, although



the views on which it is founded had been considerably modified, the principle of placing the trade with the colonies on a different footing from that with other countries had been maintained up to the year 1846, and was generally regarded as one of unquestionable propriety and wisdom. So much was this the case that in the beginning of Sir Robert Peel's commercial reforms, the tariff of 1842, as originally submitted to the House of Commons, contained provisions by which various new protected interests would have been created in the colonies, and a large revenue would have been sacrificed by the mother country, without any real benefit accruing to them. Amongst other articles proposed to be dealt with were tea and tobacco, on which it was intended to reduce one-half the amount of duty to which they would otherwise be liable when they were the produce of British possessions. It so happens that I was myself the person by whom the attention of the House of Commons (of which I was then a Member) was called to the inexpediency of this mode of dealing with the customs-duties; and I moved a resolution against the establishment of any new protecting duties in favour of colonial produce, arguing that, in order to derive a revenue from duties on imports without imposing an undue burden on the consumer, and without diverting industry from its natural and therefore most productive channels, duties ought not to be levied on the importation of any articles which would meet in our market articles of the same kind produced in the colonies, and not subject to an equal amount of taxation.

This principle, which is equally applicable to articles produced at home and to those obtained from the colonies, is now recognized as sound by the majority of intelligent and educated men; but this was far from being the case until very recently, and it was so much otherwise at the time of which I am speaking that, although in the resolution I moved I abstained from proposing to abolish existing duties in favour of the colonies, and only sought to lay down the rule that no new ones should be created, the motion was rejected, obtaining the support of a minority far below the usual strength of the

Opposition; and in the tariff of 1842 the erroneous principle I had endeavoured to condemn was adhered to, the Government only abandoning its application in those cases in which it would have seriously affected the revenue. I refer to this circumstance because it shows how strong was the hold on men's minds of the old opinions respecting the colonial trade, and how great was the shock given to these opinions when the policy of placing our trade with the colonies on the same footing as that with foreign countries was first systematically adopted in Sir Robert Peel's Act for the repeal of the former Corn Law, and in the measures which followed it. This accounts for the great bitterness of the political discontent and opposition to your Government<sup>1</sup> excited by these measures. It is notorious that distress is usually the parent of political discontent, even when that distress cannot be referred by the sufferers themselves to the conduct of the Government; much more so, when they believe their difficulties to have been occasioned by its measures. But the abandonment of long-established commercial and fiscal regulations, however vicious in policy, generally occasions temporary loss and inconvenience to those engaged in the branches of trade and industry affected by such changes; and if they do not occasion actual loss, these changes invariably excite the apprehension of it, which is nearly as bad. Hence reforms of this description are always found to create many enemies to the Government by which they are accomplished; and in the application of the principles of free trade to colonial produce the hostility thus excited was aggravated by its being thought, however unreasonably, that these measures involved an act of injustice, as invading what had long been regarded as a right on the part of the colonists.

Nor is this all; the abandonment of the ancient commercial system of this country towards the colonies brought a still larger question under discussion. Not only those who still adhered to the opinion that the former policy with respect to colonial commerce was the right one, but many of the most

<sup>1</sup> Earl Grey's book was cast in the form of letters to Lord John Russell, Prime Minister 1846-52.

eager advocates of the principles of free trade, concurred in arguing that, if the colonies were no longer to be regarded as valuable on account of the commercial advantages to be derived from their possession, the country had no interest in keeping these dependencies, and that it would be better to abandon them; thus getting rid of the heavy charge on the country, especially in providing the requisite amount of naval and military force for their protection. In like manner, the colonists began to inquire whether, if they were no longer to enjoy their former commercial privileges in the markets of the mother country, they derived any real benefit from a continuance of the connexion. It is obvious that questions of this kind could not be raised without creating great difficulties in the administration of colonial affairs, and the more so because it is impossible to deny that the view of the subject to which I have adverted is at least plausible; and when the old doctrine that the great value of colonies arises from the commercial monopoly which the mother country can claim with respect to their trade is abandoned, some other explanation may fairly be asked of the grounds on which we should nevertheless continue to support the charges inseparable from the maintenance of our colonial empire.

Although it would be impossible, within the limits to which I must confine myself, fully to discuss in this letter so large a subject, it is requisite, for the clearness of what is to follow, that I should state generally why, and on what terms, I think that the connexion between this country and the colonies ought to be preserved, and also that I should explain how these views have been applied in practice. I consider, then, that the British Colonial Empire ought to be maintained, principally because I do not consider that the nation would be justified in throwing off the responsibility it has incurred by the acquisition of this dominion, and because I believe that much of the power and influence of this country depends upon its having large colonial possessions in different parts of the world.

The possession of a number of steady and faithful allies in various quarters of the globe will surely be admitted to add

greatly to the strength of any nation; while no alliance between independent states can be so close and intimate as the connexion which unites the colonies to the United Kingdom as parts of the great British Empire. Nor ought it to be forgotten that the power of a nation does not depend merely on the amount of physical force it can command, but rests, in no small degree, upon opinion and moral influence: in this respect British power would be diminished by the loss of our colonies, to a degree which it would be difficult to estimate. Hence, if it is an advantage, not for the sake of domineering over other countries but with a view to our own security, to form part of a powerful nation rather than of a weak one (and, considering the many examples we have seen of the injustice to which weak ones are compelled to submit, this can hardly admit of a question), it seems to follow that the tie which binds together all the different and distant portions of the British Empire, so that their united strength may be wielded for their common protection, must be regarded as an object of extreme importance to the interests of the mother country and her dependencies. To the latter it is no doubt of far greater importance than to the former, because, while still forming comparatively small and weak communities, they enjoy, in return for their allegiance to the British Crown, all the security and consideration which belong to them as members of one of the most powerful states in the world. No foreign power ventures to attack or interfere with the smallest of them, while every colonist carries with him, to the remotest quarters of the globe which he may visit in trading or other pursuits, that protection which the character of a British subject everywhere confers, and can depend, in any difficulties, or under any oppression to which he may be exposed, on the assistance of Her Majesty's diplomatic and consular servants, supported, if necessary, by the whole power of the Empire.

FARL GREY, *The Colonial Policy of Lord John Russell's Administration* (1853), i, 6-13.

### 32. *The Office of Colonial Governor*

It was my opinion, in which you and our colleagues agreed, that another Governor-General<sup>1</sup> should be appointed, and after much consideration it was determined that Lord Elgin should be selected for this important post. He was at that time personally altogether unknown to me; but he had conducted the government of Jamaica, whence he had just returned, with great ability and success, and had also during the very short time he had sat in the House of Commons given proof of no ordinary talents. The speech by which he had principally distinguished himself in the House of Commons was certainly not one to give him any claims upon us as a party, since it was made in seconding the amendment on the Address which led to the downfall of Lord Melbourne's administration, in August 1841; but as our object was not to make selection with a view to party interests, but to entrust the management of the largest and most important of the British colonies, in a season of great difficulty, to the ablest hands we could find, Lord Elgin was recommended to the Queen for this appointment, in preference to any of our own party or personal friends. I cannot forbear remarking that, as the Government of Canada is literally the only civil office in that colony in the gift of the home Government, and is the greatest prize in the colonial service, the manner in which it was on this occasion disposed of affords a proof of the injustice of the common allegations that the colonies are retained only for the sake of the patronage they afford.

EARL GREY, *The Colonial Policy of Lord John Russell's Administration* (1853), i, 207-8.

<sup>1</sup> Of Canada, in succession to Lord Cathcart, in 1846.

### 33. *The Colonies and Free Trade*

It has always been held to be one of the principal functions of the Imperial legislature and Government to determine what is to be the commercial policy of the Empire at large, and to prescribe to the various colonial legislatures such rules as are necessary for carrying that policy into effect. Thus, while the policy of what is called protection was adhered to, very severe and onerous restrictions were imposed on the commerce of the colonies by the Navigation Laws, and by various Acts of Parliament under which differential duties were levied upon the produce of foreign countries, as compared to the same articles, the produce of the British dominions. To enforce these regulations administration of the customs department in the colonies was kept almost entirely in the hands of the Treasury. . . .

But even while this restrictive policy was adopted, the colonial legislatures were not permitted to increase the amount of differential duties levied on goods, the produce of any particular countries. In the year 1843 a circular was addressed by Lord Derby, then Secretary of State for the Colonies, to the Governors of the British North American and West Indian colonies, instructing them not to give their assent to any Acts which might be tendered to them "by which duties might be imposed on goods in reference to their place of production, or to the place from which they might be exported." These instructions were given on the ground that the various local legislatures of the colonies could not pass laws for this purpose without the risk of creating confusion and inconvenience by the want of consistency that could hardly fail to arise in the legislation of so many independent authorities on such a subject.

When Parliament, after a protracted discussion of many years, finally determined upon abandoning the former policy of endeavouring to promote the commerce of the Empire by

an artificial system of restrictions, and upon adopting in its place the policy of free trade, it did not abdicate the duty and the power of regulating the commercial policy, not only of the United Kingdom, but of the British Empire. The common interest of all parts of that extended Empire requires that its commercial policy should be the same throughout its numerous dependencies; nor is this less important than before, because our policy is now directed to the removal—instead of, as formerly, to the maintenance—of artificial restrictions upon trade. The benefits of a liberal commercial policy will be greatly increased by its general adoption by the principal nations of the world, which we may hope to see eventually brought about; but it would materially interfere with the attainment of this happy result, if it should be observed by foreign countries that the former and narrower policy of endeavouring by bounties or restrictions to divert capital and industry to other than their natural channels was adopted with the assent of the Imperial Government in any part of the Queen's dominions.

EARL GREY, *The Colonial Policy of Lord John Russell's Administration* (1853), i, 280-2.

### 34. *Sir George Grey in New Zealand*

It is to the Governor, Sir George Grey, that New Zealand is mainly indebted for this happy alteration in its condition and prospects. Nothing but the singular ability and judgement displayed by him during the whole of his administration, and especially in its commencement, could have averted a war between the European and native inhabitants of those islands. It would have been one of the same character with that which has been raging so long at the Cape of Good Hope, but still more arduous, since the New Zealanders would have been yet more formidable enemies than the Kaffirs, and the scene of the contest so much more remote. The war which had already

begun when Sir George Grey reached New Zealand, and in which at that time all the advantage had been with our adversaries, would have been converted into a mortal struggle between the European and Maori races by the slightest error of judgement on his part, and by his failing to unite with the most cautious prudence, equal firmness and decision. Such a struggle, once commenced, could hardly have been closed except by our abandonment of the islands in disgrace, or the extermination of their aboriginal inhabitants.

The best proof of the wisdom of Sir George Grey's policy towards the natives is afforded by the almost unbounded influence he has established over their minds, notwithstanding the severity he has been compelled to exercise upon some occasions. He has never attempted to conciliate their favour at the expense of justice to the settlers, or by showing indulgence to lawless proceedings; on the contrary, he has maintained his authority over them with an exceedingly high hand, and has strictly enforced various regulations calculated to be very unpalatable to them, especially his prohibition of any trade with them in arms and gunpowder. Yet he has succeeded in impressing them with a conviction that he is their best and truest friend, and commanded thus their willing obedience to all his measures. There are, in the voluminous papers which have been laid before Parliament, many remarkable proofs of the degree to which he has secured their affection and confidence.

I will mention but two. When the Government House at Auckland had been destroyed by fire, a body of natives came forward with an entirely spontaneous offer of their unpaid labour to rebuild it; and afterwards, when a report that he was to be recalled had been circulated by some of the white opponents of his government, petitions to the Queen that he might be allowed to remain were signed by the natives; and it is a curious circumstance that the first signature to one of these petitions was that of the chief Te Rauparaha, whom he had kept so long in confinement. Some of the letters written by chiefs to the Queen, expressing their earnest desire that he



might not be removed, and the gratitude and affection they felt for him, are very interesting.<sup>1</sup>

EARL GREY, *The Colonial Policy of Lord John Russell's Administration* (1853), ii, 136-8.

### 35. *Self-Government in West Africa*

THE true policy I believe to be that which for the five years and a half of your administration was pursued—namely, to keep constantly in sight the formation [on the Gold Coast] of a regular government on the European model, and the establishment of a civilized polity, as the goal ultimately to be attained; but, in the endeavour to arrive at it, taking care that each successive step shall appear to the people themselves as nothing more than the natural mode of providing for some want, or remedying some evil, which they practically feel at the moment.

<sup>1</sup> Copies of two letters from bodies of New Zealanders to the Governor, Sir George Grey, after the burning of the Government House on 22nd June 1848.  
Auckland, 24th June 1848.

Friend the Governor.

It is thus in fact that our own institutions and laws have grown up, as well as those which have been most permanent and most successful among other nations. Thus, in adopting the measure to which I have adverted on the Gold Coast, wants of which the people were sensible, and to meet which funds were required, have by judicious management led them to concur not only in the imposition of a tax, but in the creation of a legislature possessing the authority to make other laws, as from time to time they are perceived to be necessary. The real interest of this country is gradually to train the inhabitants of this part of Africa in the arts of civilization and government, until they shall grow into a nation capable of protecting themselves and of managing their own affairs, so that the interference and assistance of the British authorities may by degrees be less and less required. Orderly and civilized communities cannot grow up in a country capable of yielding such valuable productions, without our carrying on with them a large and mutually advantageous trade; but in a climate so uncongenial to European constitutions it is not desirable that the maintenance of order and the progress of civilization should continue to depend on the exercise of authority by white men, or that the duty of governing and protecting the inhabitants of Western Africa should be thrown upon this country longer than can be avoided.

EARL GREY, *The Colonial Policy of Lord John Russell's Administration* (1853), ii, 286-7.

### 36. *The Position of a Colonial Governor*

I READILY admit that the maintenance of the position and due influence of the governor is one of the most critical problems that have to be solved in the adaptation of parliamentary government to the colonial system, and that it is difficult to over-estimate the importance which attaches to its satisfactory solution. As the imperial government and parliament gradually

withdraw from legislative interference, and from the exercise of patronage in colonial affairs, the office of governor tends to become, in the most emphatic sense of the term, the link which connects the mother country and the colony, and his influence the means by which harmony of action between the local and imperial authorities is to be preserved. It is not, however, in my humble judgement, by evincing an anxious desire to stretch to the utmost constitutional principles in his power [?favour], but on the contrary by the frank acceptance of the conditions of the parliamentary system, that this influence can be most surely extended and confirmed. Placed by his position above the strife of parties, holding office by a tenure less precarious than the ministers who surround him, having no political interest to serve but that of the community whose affairs he is appointed to administer—his opinion cannot fail, when all cause for suspicion and jealousy is removed, to have great weight in the colonial councils; while he is at liberty to constitute himself in an especial manner the patron of those larger and higher interests—such interests, for example, as those of education and of moral and political improvement in all its branches

as an appreciable force in the administration of public affairs may provoke a sneer on the part of persons who have no faith in any appeal which is not addressed to the lowest motives of human conduct; but those who have juster views of our common nature, and who have seen influences that are purely moral wielded with judgement, will not be disposed to deny to them a high degree of efficacy.

ELGIN to Sir George Grey (Secretary of State for the Colonies)<sup>1</sup>, 18 December 1854: Public Record Office, C.O. 42/595.

<sup>1</sup> This Sir George Grey (1799–1832) is not to be confused with his namesake (1812–98), the great Governor of New Zealand.

### 37. *The Queen's Proclamation in India, 1858*<sup>1</sup>

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, and of the colonies and dependencies thereof in Europe, Asia, Africa, America, and Australasia Queen, Defender of the Faith.

Whereas, for divers weighty reasons, we have resolved, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled, to take upon ourselves the government of the territories in India heretofore administered in trust for us by the Honourable East India Company.

Now, therefore, we do by these presents notify and declare that, by the advice and consent aforesaid, we have taken upon ourselves the said government; and we hereby call upon all our subjects within the said territories to be faithful and to bear true allegiance to us, our heirs and successors, and to submit themselves to the authority of those whom we may hereafter, from time to time, see fit to appoint to administer the government of our said territories, in our name and on our behalf.

And we, reposing especial trust and confidence in the loyalty, ability, and judgement of our right trusty and well-beloved cousin and Councillor, Charles John, Viscount Canning, do hereby constitute and appoint him, the said Viscount Canning, to be our first Viceroy and Governor-General in and over our said territories, and to administer the government thereof in our name, and generally to act in our name and on our behalf, subject to such orders and regulations as he shall, from time to time, receive from us through one of our Principal Secretaries of State.

And we do hereby confirm in their offices, civil and military,

<sup>1</sup> For the drafting of this Proclamation by the Prime Minister, Derby, see W. F. Monypenny and G. E. Buckle, *Life of Benjamin Disraeli* (1929 ed.), i. 1567-8; and *Queen Victoria's Letters*, 1st series (1908 ed.), iii, 298.

all persons now employed in the service of the Honourable East India Company, subject to our future pleasure, and to such laws and regulations as may hereafter be enacted.

We hereby announce to the native princes of India that all treaties and engagements made with them by or under the authority of the Honourable East India Company are by us accepted, and will be scrupulously maintained, and we look for the like observance on their part.

We desire no extension of our present territorial possessions; and, while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others. We shall respect the rights, dignity, and honour of native princes as our own; and we desire that they, as well as our own subjects, should enjoy that prosperity and that social advancement which can only be secured by internal peace and good government.

We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.

Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted, by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of the law; and we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects, on pain of our highest displeasure.

And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge.

We know and respect the feelings of attachment with which

the natives of India regard the lands inherited by them from their ancestors, and we desire to protect them in all rights connected therewith, subject to the equitable demands of the state; and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men, who have deceived their countrymen by false reports and led them into open rebellion. Our power has been shown by the suppression of that rebellion in the field; we desire to show our mercy by pardoning the offences of those who have been thus misled, but who desire to return to the path of duty.

Already, in one province, with a desire to stop the further effusion of blood, and to hasten the pacification of our Indian dominions, our Viceroy and Governor-General has held out the expectation of pardon, on certain terms, to the great majority of those who in the late unhappy disturbances have been guilty of offences against our government, and has declared the punishment which will be inflicted on those whose crimes place them beyond the reach of forgiveness. We approve and confirm the said act of our Viceroy and Governor-General, and do further announce and proclaim as follows:—

Our clemency will be extended to all offenders, save and except those who have been, or shall be, convicted of having directly taken part in the murder of British subjects. With regard to such the demands of justice forbid the exercise of mercy.

To those who have willingly given asylum to murderers, knowing them to be such, or who may have acted as leaders or instigators in revolt, their lives alone can be guaranteed; but, in apportioning the penalty due to such persons, full consideration will be given to the circumstances under which they have been induced to throw off their allegiance; and large indulgence will be shown to those whose crimes may appear to have originated in a too credulous acceptance of the false reports circulated by designing men.

To all others in arms against the government, we hereby promise unconditional pardon, amnesty, and oblivion of all offences against ourselves, our crown and dignity, on their return to their homes and peaceful pursuits.

It is our royal pleasure that these terms of grace and amnesty should be extended to all those who comply with their conditions before the first day of January next.

When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer its government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us, and to those in authority under us, strength to carry out these our wishes for the good of our people.

*The Times*, 6 December 1858.

### 38. *The Fiscal Autonomy of Canada*

THE Minister of Finance has the honour respectfully to submit certain remarks and statements upon the dispatch of His Grace the Duke of Newcastle, dated 13 August [1859], and upon the Memorial of the Chamber of Commerce of Sheffield, dated 1 August, transmitted therewith.

It is to be deeply regretted that His Grace should have given to so great a degree the weight of his sanction to the statements in the Memorial, without having previously afforded to the government of Canada the opportunity of explaining the fiscal policy of the province and the grounds upon which it rests. The representations upon which His Grace appears to have formed his opinions are those of a provincial town in England, professedly actuated by selfish motives; and it may fairly be claimed for Canada, that the deliberate acts of its legislature, representing nearly three millions of people, should

not have been condemned by the imperial government on such authority, until the fullest opportunity of explanation had been afforded. It is believed that nothing in the legislation of Canada warrants the expressions of disapproval which are contained in the dispatch of His Grace, but that on the contrary due regard has been had to the welfare and prosperity of Her Majesty's Canadian subjects.

From expressions used by His Grace in reference to the sanction of the Provincial Customs Act, it would appear that he had even entertained the suggestion of its disallowance; and though happily Her Majesty has not been so advised, yet the question having been thus raised, and the consequences of such a step, if ever adopted, being of the most serious character, it becomes the duty of the provincial government distinctly to state what they consider to be the position and rights of the Canadian legislature.

Respect to the imperial government must always dictate the desire to satisfy them that the policy of this country is neither hastily nor unwisely formed; and that due regard is had to the interests of the mother country as well as of the province. But the government of Canada acting for its legislature and people cannot, through those feelings of deference which they owe to the imperial authorities, in any manner waive or diminish the right of the people of Canada to decide for themselves both as to the mode and extent to which taxation shall be imposed. The provincial ministry are at all times ready to afford explanations in regard to the acts of the legislature to which they are party; but, subject to their duty and allegiance to Her Majesty, their responsibility in all general questions of policy must be to the provincial Parliament, by whose confidence they administer the affairs of the country; and in the imposition of taxation it is so plainly necessary that the administration and the people should be in accord, that the former cannot admit responsibility or require approval beyond that of the local legislature. Self-government would be utterly annihilated if the views of the imperial government were to be preferred to those of the people of Canada. It is, therefore, the



duty of the present government distinctly to affirm the right of the Canadian legislature to adjust the taxation of the people in the way they deem best, even if it should unfortunately happen to meet the disapproval of the imperial ministry. Her Majesty cannot be advised to disallow such acts, unless her advisers are prepared to assume the administration of the affairs of the colony irrespective of the views of its inhabitants.

The imperial government are not responsible for the debts and engagements of Canada. They do not maintain its judicial, educational, or civil service; they contribute nothing to the internal government of the country, and the provincial legislature, acting through a ministry directly responsible to it, has to make provision for all these wants; they must necessarily claim and exercise the widest latitude as to the nature and extent of the burthens to be placed upon the industry of the people. The provincial government believes that His Grace must share their own convictions on this important subject; but as serious evil would have resulted had His Grace taken a different course, it is wiser to prevent future complication by distinctly stating the position that must be maintained by every Canadian administration.

Memorandum by A. T. GALT, 25 October 1859: *Parliamentary Papers*, 1864, xli, 87-8.

### 39. *Experiments in African Administration*

It appears very probable that, as the Governor's account would imply, Abeokuta has been petted from the mere circumstance of its having been the first to receive European missionaries and traders, and that for that very reason it has become

we feel confidence in our conclusions in such matters. How long ought a man to take before he believes himself a good judge of the relative merits of obscure African tribes and vil-

lages? The worst of it is that, as Governor Freeman so well shows in this particular instance, the moment that we take any party into our favour we run the risk of rendering it the less deserving of that advantage.

We want to use the different tribes as a means of extinguishing slave-dealing amongst themselves and those around them, whilst they want to use us as a means of oppressing their neighbours, and there seems to me to be a constant trial going on which shall be the tool of the other. The advices of this mail from the Gambia seem to me to suggest a very similar view.

Wherever we go in Africa, our views are as enlightened and lofty, compared with those of the barbarous people amongst whom we find ourselves, as those of a superior race of beings: and if we choose to employ steamers and a few disciplined troops, our influence is paramount. The apparent good is so great that it is very fascinating. But still one cannot help occasionally asking oneself, where is it to end? It is also uncomfortable to reflect on the disparity between our power and our knowledge. The first is so tremendous that we can at will exalt or destroy, but who is to ensure us a corresponding discrimination? I feel afraid sometimes lest we should be like the kings in burlesques who with comical vigour dispatch one slave with a blow and cover the other with honours, long before they can know whether either deserves his fate.

Minute by T. F. ELLIOT, 12 July 1862, on dispatch from Governor Freeman of Lagos to the Duke of Newcastle, 4 June 1862: Public Record Office, C.O. 147/1.

#### 40. *Equal Justice for Indians and Englishmen*

I HAVE had, this week, a very painful matter to deal with. A man of the name of Budd, a soldier who had obtained his discharge in order to accompany an officer of the name of —

to Australia, killed a native in the Punjab some months ago under the following circumstances. He was desired by — to procure a sheep for him. He went to a native, from whom he appears to have procured sheep before, and took one. The native protested against his taking this particular sheep, because it was with lamb, but said he might take any other from the flock. Budd paid no heed to this remonstrance, put the sheep on the back of another native, and marched off. The owner followed, complaining and protesting. On this Budd first fired two barrels over his head, then threw stones at him, and finally went into the house, brought out another gun, fired at him, and killed him on the spot. Besides imploring that his sheep might be restored to him, it does not appear that the native did anything at all to merit such proceedings.

could . . . . .  
to Calcutta; witnesses, etc., being sent 1,000 miles at the public expense. Before it came on, however, the counsel for the defence requested a postponement in order to obtain further evidence. The request was granted, and the trial deferred till another term.

The trial came on a few days ago, and the jury, much to their honour, found the prisoner guilty. On this an agitation was got up to obtain a commutation of the sentence of death which had been passed by the judge. A petition, with a great number of signatures, was presented in the first instance to the lieutenant-governor of Bengal; but he was advised that, the crime having been committed in the Punjab, he had nothing to do with the case. It was then transmitted to me. There was quite enough said . . . . .

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be so mischievous that, having obtained from the advocate-general an opinion that I had the requisite authority, I determined to take the matter into my own hands. The verdict was

clearly borne out by the evidence. The sentence was in accordance with the law, and the judge, to whom I referred, saw no reason to question it. The decision of the Governor-General in Council was that the law must take its course.

It is true that this murder was not committed with previous preparation and deliberation. It had not, therefore, this special quality of aggravation. But it was marked by an aggravation of its own, not less culpable, and unfortunately only too characteristic of the homicides perpetrated by Europeans on natives in this country. It was committed in wanton recklessness, almost without provocation, under an impulse which would have been resisted if the life of the victim had been estimated at the value of that of a dog. Any action on my part which would have seemed to sanction this estimate of the value of native life would have been attended by the most pernicious consequences.

It is bad enough as it is. The other day a station-master, somewhere up country, kicked a native who was, as he says, milking a goat belonging to the former. The native fell dead, and the local paper, without a word of commiseration for the victim or his family, complains of the hardship of compelling the station-master to go to Calcutta, in this warm weather, to have the case inquired into. Other instances in which the natives have died from the effect of personal chastisement administered by Europeans have occurred since I have been here.

I have gone at some length into this case, both because you may hear of it, and also because it exemplifies what is really our greatest source of embarrassment in this country—the extreme difficulty of administering equal justice between natives and Europeans.

ELGIN to Sir Charles Wood, 22 June 1862: *Letters and Journals*, 415-17.

41. *The Colonial Laws Validity Act, 1865*  
(28 and 29 Vict., c. 63.)

*An Act to remove doubts as to the validity of colonial laws.*

WHEREAS doubts have been entertained respecting the validity of divers laws enacted or purporting to have been enacted by the legislatures of certain of Her Majesty's colonies, and respecting the powers of such legislatures; and it is expedient that such doubts should be removed: be it hereby enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The term "colony" shall in this Act include all of Her Majesty's possessions, in which there shall exist a legislature as hereinafter defined, except the Channel Islands, the Isle of Man, and any such territories as may for the time being be vested in Her Majesty, under or by virtue of any Act of Parliament for the government of India;

The terms "legislature" and "colonial legislature" shall severally signify the authority, other than the Imperial Parliament or Her Majesty in Council, competent to make laws for any colony;

The term "representative legislature" shall signify any colonial legislature which shall comprise a legislative body of which one half are elected by inhabitants of the colony;

The term "colonial law" shall include laws made for any colony, either by such legislature as aforesaid or by Her Majesty in Council;

An Act of Parliament, or any provision thereof, shall, in construing this Act, be said to extend to any colony when it is made applicable to such colony by the express words or necessary intendment of any Act of Parliament;

The term "governor" shall mean the officer lawfully administering the government of any colony;

The term "letters patent" shall mean letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland.

2. Any colonial law, which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the colony to which such law may relate, or repugnant to any order or regulation made under authority of such Act of Parliament, or having in the colony the force and effect of such Act, shall be read subject to such Act, order, or regulation, and shall, to the extent of such repugnancy but not otherwise, be and remain absolutely void and inoperative.

3. No colonial law shall be, or be deemed to have been, void or inoperative on the ground of repugnancy, to the law of England, unless the same shall be repugnant to the provisions of some such act of Parliament, order, or regulation, as aforesaid.

4. No colonial law, passed with the concurrence of or assented to by the governor of any colony, or to be hereafter so passed or assented to, shall be, or be deemed to have been, void or inoperative by reason only of any instructions with reference to such law, or the subject thereof, which may have been given to such governor by or on behalf of Her Majesty, by any instrument other than the letters patent or instrument authorizing such governor to concur in passing or to assent to laws for the peace, order, and good government of such colony, even though such instructions may be referred to in such letters patent or last-mentioned instrument.

5. Every colonial legislature shall have, and be deemed at all times to have had, full power within its jurisdiction to establish courts of judicature, and to abolish and reconstitute the same, and to alter the constitution thereof, and to make provision for the administration of justice therein; and every representative legislature shall, in respect to the colony under its jurisdiction, have, and be deemed at all times to have had, full power to make laws respecting the constitution, powers, and procedure of such legislature; provided that such laws shall have been passed in such manner and form as may from

time to time be required by any Act of Parliament, letters patent, Order in Council, or colonial law for the time being in force in the colony.

#### 42. *The Case of Governor Eyre*

SIR,

I learn from yesterday evening's *Pall Mall Gazette* that you are curious to know whether certain "peculiar views on the development of species," which I am said to hold in the excellent company of Sir Charles Lyell, have led me to become a member of the Jamaica Committee.'

Permit me without delay to satisfy a curiosity which does me honour. I have been induced to join that committee neither by my "peculiar views on the development of species," nor by any particular love for, or admiration of the negro—still less by any miserable desire to wreak vengeance for recent error upon a man whose early career I have often admired; but

because the course which the committee proposes to take appears to me to be the only one by which a question of the profoundest practical importance can be answered. That question is, Does the killing a man in the way Mr. Gordon was killed constitute murder in the eye of the law, or does it not?

You perceive that this question is wholly independent of two others which are persistently confused with it, namely—was Mr. Gordon a Jamaica Hampden or was he a psalm-singing firebrand? and was Mr. Eyre actuated by the highest and noblest motives, or was he under the influence of panic-stricken rashness or worse impulses?

I do not presume to speak with authority on a legal question; but, unless I am misinformed, English law does not permit good persons, as such, to strangle bad persons, as such. On the contrary, I understand that, if the most virtuous of Britons, let his place and authority be what they may, seize and hang up the greatest scoundrel in Her Majesty's dominions simply because he is an evil and troublesome person, an English court of justice will certainly find that virtuous person guilty of murder. Nor will the verdict be affected by any evidence that the defendant acted from the best of motives, and, on the whole, did the state a service.

Now it *may* be that Mr. Eyre was actuated by the best of motives; it *may* be that Jamaica is all the better for being rid of Mr. Gordon; but nevertheless the Royal Commissioners, who were appointed to inquire into Mr. Gordon's case, among other matters, have declared that "the evidence, oral and documentary, appears to us to be wholly insufficient to establish the charge upon which the prisoner took his trial." (*Report*, p. 37.)

And again that they "cannot see in the evidence which has been adduced any sufficient proof, either of his (Mr. Gordon's) complicity in the outbreak at Morant Bay, or of his having been a party to any general conspiracy against the government." (*Report*, p. 38.)

Unless the Royal Commissioners have greatly erred, there-



fore, the killing of Mr. Gordon can only be defended on the ground that he was a bad and troublesome man; in short, that although he might not be guilty, it served him right.

I entertain so deeply rooted an objection to this method of killing people—the act itself appears to me to be so frightful a precedent, that I desire to see it stigmatized by the highest authority as a crime. And I have joined the committee which proposes to indict Mr. Eyre, in the hope that I may hear a court of justice declare that the only defence which can be set up (if the Royal Commissioners are right) is no defence, and that the killing of Mr. Gordon was the greatest offence known to the law—murder.

I remain, Sir, your obedient servant,

Thomas H. Huxley.

The Athenæum Club.

30 October 1866.

T. H. HUXLEY to the Editor of the *Pall Mall Gazette*:  
L. Huxley, *Life and Letters of Thomas Henry Huxley*  
(ed. 2, 1903), i, 404-5.

#### 43. *The Appointment of a Canadian High Commissioner in London*

THE Committee of Council have had under consideration the dispatch from the Right Honourable the Secretary of State for the Colonies, dated 1st November last, upon the confidential memorandum of Sir John Macdonald, Sir Leonard Tilley, and Sir Charles Tupper, urging the necessity of providing further means for constant and confidential communication with Her Majesty's Government, and also for the representation of Canada in the future negotiation of treaties of commerce with foreign nations.

The Committee desire to express their gratification at the manner in which their views have been met by Her Majesty's Government, and they share in the conviction of Sir Michael

Hicks Beach, that no insuperable difficulty exists in the realization of their wishes.

The Committee recognize the fact that Canada cannot, as an integral portion of the Empire, maintain relation of a strictly diplomatic character. But they respectfully submit that, while this is true as regards foreign nations, it does not accurately represent the actual state of facts in regard to the United Kingdom. Her Majesty's Government is unquestionably the supreme governing power of the Empire, but, under the British North America Act, self-governing powers have been conferred upon Canada in many most important respects, and Her Majesty's Government may on these points be more correctly defined as representing the United Kingdom than the Empire at large. In considering many questions of the highest importance, such as the commercial and fiscal policy of the Dominion as affecting the United Kingdom, the promotion of imperial interests in the administration and settlement of the interior of the continent, and on many other subjects, indeed on all matters of internal concern, the imperial government and Parliament have so far transferred to Canada an independent control that their discussion and settlement have become subjects for mutual assent and concert, and thereby have, it is thought, assumed a quasi-diplomatic character as between Her Majesty's Government representing the United Kingdom *per se* and the Dominion, without in any manner derogating from their general authority as rulers of the entire Empire.

The Committee would further respectfully submit, in elucidation of the views contained in the memorandum, that the government of Canada, in respect of negotiations with foreign powers, in no respect desire to be placed in the position of independent negotiators. On the contrary, they are fully convinced that it is through the influence and support of Her Majesty's Government, and by the effective use of their carefully trained and thorough diplomatic service, that they can alone look for any measure of success. And it is with the view most thoroughly to satisfy foreign governments of the identity of interests of Her Majesty with themselves that they have so

strongly sought the most official recognition possible for their representative. And in making their suggestion on this point, the Committee have had in mind the position assigned to the delegates from Canada in 1865 and 1866, which was that of belonging to the diplomatic corps, taking precedence after the foreign Ministers.

As the representative of the Governor-General and Executive Government of Canada, and especially when dealing with negotiations with any foreign powers, the duties of the proposed officer will, the Committee consider, be of a nature more analogous to diplomatic than to home service, but they confidently leave this subject in the hands of Her Majesty's Government, resting on the assurances conveyed in the dispatch under consideration that Her Majesty's Government will accord to their representative a status in every way worthy of his important functions.

The officer will certainly primarily communicate with the Secretary of State for the Colonies on the various subjects on which he may receive instructions to address Her Majesty's Government, and the Committee do not doubt that every consideration will be given to such representations as he may make on behalf of the Canadian government.

The Committee entirely agree that it will rest with the Secretary of State for Foreign Affairs to determine in each case in what precise capacity the services of the Canadian officer can be best rendered in the event of negotiations with foreign courts on subjects affecting the interests of the Dominion. Manifestly it would not be the desire of the Canadian government, that in every case their representative should be personally associated with the British Minister at the foreign courts, but only in such cases as might from their importance require it. On this point the Committee are fully assured that the Secretary of State for Foreign Affairs will meet their reasonable wishes as has been done in the cases cited.

The Committee understand, however, that in all cases of commercial treaties Her Majesty's Government will direct early communication to be made to the Canadian representative

so as to permit him to take the instructions of his government, and to make such representations as may be called for to Her Majesty's Government.

With reference to the designation of the proposed officer the Committee desire to accept the suggestion of Her Majesty's Government. As, however, commissioners are very frequently appointed for special services of minor importance, it is considered desirable to make the appointment to London distinctive by styling the officer "High Commissioner of Canada in London," the Committee on this point being convinced that in reference especially to foreign governments the designation and status are of real importance.

It is intended to create the office under statute at the next session of the Canadian Parliament; but, should the public service require an earlier appointment, the Committee confidently rely on Her Majesty's Government giving immediate effect to the views expressed in the dispatch from the Secretary of State for the Colonies, which, it is believed, are correctly understood by the Canadian government.

Report of a Committee of the Privy Council for Canada, approved by the Governor-General, 22 December 1879: *Parliamentary Papers*, 1880, xlix, 15-16.

#### 44. *West Indian Administration in the Eighties*

I LEFT Cambridge before the end of my third year without taking a degree, having accepted the post of private secretary to the Governor of the Windward Islands. I knew nothing about him; but at least here was a job and an opportunity to see something of the world. As it chanced I was extremely lucky in happening upon the Windward Islands. They were then a group of five with headquarters at Barbados, but there was no administrative machinery for dealing with the group except the Private Secretary's Office at Barbados. The staff consisted of a chief clerk, a very capable and well-educated

Barbadian aged twenty-four; myself, who had kept my twenty-second birthday on the outward voyage, and two more clerks aged nineteen and eighteen. The chief clerk, finding that I shrank from no drudgery in the learning of my business, soon became most friendly. The Governor, being rather lazy, was content to leave practically everything to us; and we were as self-satisfied a little set of Jacks-in-office as was to be found in the Empire. . . .

My own training in the little office at Barbados was so far bad that it led me to excessive fondness for the writing of minutes, dispatches and the like. The West Indies at that time were in a state of transition, midway between the past when they were the envy of the world for their wealth, and the rather sordid present when their glory was daily growing dimmer. . . .

The tradition of past greatness brought with it absurdly extravagant ideas of administration. Of the four lovely little islands outside Barbados which belonged to our group, Grenada, St. Vincent, St. Lucia, Tobago, not one was larger than the Isle of Wight, nor had more than 40,000 inhabitants, nor a revenue much exceeding £40,000 a year. An English estate-agent with two or three sub-agents and ten or fifteen clerks could have managed any one of them most efficiently and economically. But instead of this simple arrangement, there was an army of officials—Lieutenant-Governors, Colonial Secretaries, Attorney-Generals, Treasurers, Auditors and what not, with a corresponding host of underlings. Quite half of them were wholly incompetent, nearly all suffered from their fivers, and a very large proportion were extremely quarrelsome. Their mistakes, their wrangles, their misdemeanours and their shortcomings were all poured on paper into the Private Secretary's office, and we boys—for we were little more—under the Governor's signature dealt out criticism and censure, correction and cancellation with sublime assurance. We overhauled and altered estimates, amended little tariffs and balanced little budgets, and thought ourselves great administrators. In one way at least the work was most instructive. We had to

enter into the minutest details of the smallest items of administration—roads, bridges (there were very few of either), wharfage, harbour-mastery, public buildings, hospitals, tropical diseases (particularly leprosy), police, prisons, what not—and I realized a truth which too many people lose sight of, that all work is done by someone and that no work does itself. . . .

From time to time I accompanied the Governor in his visits to the "out-islands," as we called them. He did not love these trips, for they signified divorce from ice and from other luxuries which were obtainable in Barbados but in no other quarter of our Government. I on the contrary delighted in them. In the first place we always travelled in a man-of-war, so called—some very old-fashioned corvette, sloop or gunboat which could not steam above eight knots, and might make the eight knots into ten with a fair fresh breeze and all canvas set. Sometimes the utmost speed under steam was five knots and under most favourable sailing conditions might be augmented to seven. But what did it matter to me if the guns on the corvette were mounted on trucks as in Nelson's time? There were always the masts and sails, the blue-jackets trained to the finest point by constant drill aloft and the old-fashioned warrant-officers who might have stepped straight out of the pages of Marryat. As a boy I had learnt some of Marryat's novels almost by heart through constant perusals, and here were the pictures so often drawn by him alive before my eyes—the men heaving round the capstan to the music of a black fiddler, and then the hoarse orders, the first lieutenant stamping with impatience on the poop, and the hunting of unfortunate midshipmen aloft. Thus Her Majesty's ship got under way, sometimes by so delicate a piece of seamanship as a difficult stern-board, and away we sailed, with every stitch of canvas set, before the trade-wind. For Barbados is the most windwardly of all the Antilles, and for two centuries was the starting-point for all West Indian expeditions.

A cruise over the tropic sea among the volcanic islands is known to offer such a feast of beauty that I shall not dwell upon it. I knew not then my West Indian military history as

well as I know it now, but I was not wholly ignorant of it; and the picturesque old forts that commanded the principal ports of the islands were full of interest and romance for me. The names of many, in particular of Morne Fortuné, were familiar to me; and on the little rocky cone which is called Pigeon Island, which is also in St. Lucia and within sight of Morne Fortuné, I could stand where Rodney had stood, watching for the French fleet to sail out of Martinique that he might engage and vanquish it.<sup>1</sup>

SIR JOHN PORTESCUE, *Author and Curator* (1933), 54-61.

#### 45. *Representative Government in India*

I THINK it is desirable that the Government should make up its mind as soon as possible in regard to the policy it is determined to pursue, for evidently India is not a country in which the machinery of European democratic agitation can be applied with impunity. My own inclination would be to examine carefully and seriously the demands which are the outcome of these various movements; to give quickly and with a good grace whatever it may be possible or desirable to accord; to announce that these concessions must be accepted as a final settlement of the Indian system for the next ten or fifteen years; and to forbid mass meetings and incendiary speechifying. Putting aside the demands of the extremists . . . the objects even of the more advanced party are neither very dangerous nor very extravagant. . . . But it must always be remembered that though common sense and a certain knowledge of affairs and of the world may limit the programme of the leaders to what they think they have a chance of getting, the ideal in the minds of the major part of their followers is an India in which the British army shall ward off invasion from without and preserve them from tyranny and usurpation of the native princes within, while they themselves shall have free scope to administer their

<sup>1</sup> On 8 April 1782, before his victory at the Battle of the Saints.

domestic affairs untrammelled by the interference of white men, except perhaps in the person of a Viceroy and a limited number of high officials.

Undoubtedly the most vital and important of the notions started by the reformers is the change they propose in the Legislative Councils. I confess that soon after my arrival in the country it occurred to me that improvement might be possible in this direction, and personally I should feel it both a relief and an assistance if in the settlement of many Indian administrative questions affecting the interests of millions of Her Majesty's subjects, I could rely to a larger extent than at present upon the experience and counsels of Indian coadjutors. Amongst the natives I have met there are a considerable number who are both able and sensible, and upon whose loyal co-operation one could undoubtedly rely. The fact of their supporting the Government would popularize many of its acts which now have the appearance of being driven through the legislature by force; and if they in their turn had a native party behind them, the Government of India would cease to stand up, as it does now, an isolated rock in the middle of a tempestuous sea, around whose base the breakers dash themselves simultaneously from all the four quarters of the heavens.

FROM LORD DUFFERIN'S Minute on the reform of the Indian Legislative Councils, 1886: Sir Alfred Lyall, *Life of the Marquis of Dufferin and Ava* (1905), ii, 151-2.

#### 46. *The Dangers of Expansion in Africa*

WHAT seems to me to be at issue is a whole policy. Are we to attempt to create another India in Africa? . . . It is my conviction that we have already as much Empire as the nation can carry. If you give the heart too much work to do by extending the limbs and the frame beyond measure you enfeeble its action, and it succumbs. It is said, "We have India and Canada



and Australia, why not Africa?" That is like a landowner who, having secured many great estates which he can with difficulty manage, thinks it an argument for buying more and mortgaging those which he has for the purchases. That can only end in bankruptcy. I am amused at the people who call themselves imperialists. I always remember the first pages in Gibbon on the "moderation of Augustus," in which he shows how for the first two centuries of the greatest and wisest Empire that ever existed the cardinal principle was the non-extension of the Empire, and whenever it was departed from they came to grief.

SIR WILLIAM HARCOURT to Lord Rosebery, 27 September 1892: A. G. Gardiner, *The Life of Sir William Harcourt* (1923), ii, 196-7.

#### 47. *The Elective Principle in India*

It is not our business to devise machinery for the purpose of Indian government, it is our business to give to those who represent Her Majesty in India ample information as to what we believe to be sound principles of government; and it is of course the function of this House to comment upon any case in which we may think they have failed to give due effect to those principles; but in the discharge of their high administrative functions, or as to the choice of means, we should leave that in their hands. It would be a great misfortune if, with imperfect information we were to indicate leanings which might tend to embarrass them in the discharge of the duties of an office so highly responsible. It is quite evident, without any disparagement to the remarks of my hon. friend, that the great question we have before us—the question of real and profound interest—is the question of the introduction of the elective element into the government of India. That question overshadows and absorbs everything else; it is a question of vital importance, and also, at the same time, a question of great difficulty. Do not let us conceal from ourselves that no more

difficult duty has ever been entrusted to a Governor-General than the duty of administering such a Bill as this and giving effect to it in a manner honourable and wise. I am not at all disposed to ask from the Governor-General or the Secretary of State who has communicated with him and shares his responsibilities—I am not at all disposed to ask them at once to produce large and imposing results. What I wish is, that their first steps shall be of a nature to be genuine, and whatever amount of scope they give to the elective principle, it shall be real. There are, of course, dangers in the way. There is the danger of subserviency; there is another danger, and that is the danger of having persons who represent particular cliques or classes or interests, and who may claim the honour of representing the people of India. The old story of the three tailors of Tooley Street does, after all, embody an important political truth, and it does exhibit a real danger. It is to the Governor-General's wisdom we must trust to do the very best, and to make the most out of the materials at his disposal. What we want is to get at the real heart and mind—at the most upright sentiment and the most enlightened thought, of the people of India. But it is not an easy matter to do this, although, with regard to the view expressed by the Under-Secretary of State for India, I think we are justified in being a little more sanguine than he was as to the amount of these materials. The hon. gentleman did not indicate where such materials for the elective element in India are to be found. Undoubtedly, sir, as far as my own prepossessions go, I should look presumptively with the greatest amount of expectation and hope to the municipal bodies and the local authorities in India, in which the elective element is already included. My hon. friend who moved the amendment that is now before the House did valuable service in pointing out the amount of authority that can now be alleged on behalf of the introduction of the elective principle—the authority not merely of men distinguished generally for their political opinions, but of those who have been responsible for the actual administration of India. These men, after carefully examining the matter and

divesting themselves of those prejudices which administration is supposed to impart, have given their deliberate sanction to the introduction of this Bill. It is there that I feel we stand on very firm and solid ground, and Her Majesty's Government ought to understand that it will be a most grave and serious disappointment to this House if, after all the assurances we have received from high quarters that some real attempt will be made to bring into operation this great and powerful engine of government, there should not be some result which we can contemplate with satisfaction. I do not speak of its amount. I think it should be judged by its quality rather than by its quantity. In an Asiatic country like India, with its ancient civilization, with its institutions so peculiar, with such diversities of races, religions, and pursuits, with such an enormous extent of country, and such a multitude of human beings, as probably, except in the case of China, never were before comprehended under a single government, I can well understand the difficulties that confront us in seeking to carry out our task. But, great as the difficulties are, the task is a noble task, and one that will require the utmost prudence and wisdom to carry it to a successful consummation. But we may feel, after the practical assurances we have had from persons of the highest capacity and the greatest responsibility, we may feel

we belong—has undoubtedly had committed to it a most peculiar task in the foundation and the government of extraneous territories. But all other parts of the British Empire present to us a simple problem in comparison with the problem which India presents. Its magnitude and its peculiarities are such as to lift the function of Great Britain in this respect far above all that any other country has ever attempted, and far above all it has itself attempted beyond the sea in any portion of the dependencies of the Empire. I rejoice to think that a great and a real advance has been made, both before and especially since the time of the transfer of the Indian government to the

immediate superintendence of the executive at home and the supreme authority of the imperial legislature. The amount of progress they made has been made by the constant application to the government of India of the minds of able men acting under a strong sense of duty and also under a strong sense of political responsibility. All that has so far taken place induces us to look forward cheerfully to the future in the expectation that if there should be a real success in the application, the genuine even though limited application, of the elective principle to that vast community, it will be the accomplishment of a task to which it is difficult to find a parallel in history.

MR. GLADSTONE in the House of Commons, 28 March  
1892: 4 Hansard iii, 80-3.

#### *48. Indirect Rule in Uganda*

WITH regard to internal control in Uganda, in my opinion the object to be aimed at in the administration of this country is to rule through its own executive government. The people are singularly intelligent, and have a wonderful appreciation of justice and of legal procedure, and our aim should be to educate and develop this sense of justice. I think myself that, by careful selection, even now the various provinces could be ruled by chiefs, who would rapidly conform to European methods. Such selection I myself exercised in the appointment of chiefs after the war, and I think that such men as Zachariah (now Kangao, chief of Bulamwezi) would soon, under our tuition, make just as good subordinate rulers as the average tehsildars and petty magistrates in India, and far better than the Woons and Myukes, whose appointments are confirmed under our rule in Burma. . . .

Mwanga during his lifetime must be king in name only, and the real government must be vested in the Resident acting with the chiefs. On his death, during the long minority of his nephew, the Waganda will finally learn that the seat of all

executive and judicial power is at Kampala alone. Mwanga's power was already a thing of the past before I left Uganda. In a country like Uganda, so possessed by traditions and customs, it is only right and just that the Resident should be in full possession of the native views regarding any contemplated measure—views which are often the very reverse of what one would anticipate. Having made himself master of the opinions of the chiefs, he would then be free to make such concessions to their prejudices as he may find feasible, and not opposed to the radical principles of the measures he desires to adopt. Or should he find that any such concessions are not feasible, he will be fully aware of the situation involved. An arbitrary and despotic rule, which takes no account of native customs, traditions, and prejudices, is not suited to the successful development of an infant civilization, nor, in my view, is it in accordance with the spirit of British colonial rule. The king has been proved incompetent and useless, but the Resident should rule through and by the chiefs. There is, in my opinion, a vast difference between a weak man vacillating between two courses, and appealing to the natives for advice in his dilemma, and a strong man who, with a clear conception of his duty, which at all risks he must fulfil, consults, prior to any radical change, the views of highly intelligent chiefs, who still exercise an enormous influence in the country, that he may ascertain whether a more complete knowledge of native tradition and prejudice may throw any new light on the situation, before

F. D. LUGARD, *The Rise of our East African Empire*  
(1893), ii, 649-51.

#### 49. "Undeveloped Estates"

NOTHING is more extraordinary to my mind during my short

experience at the Colonial Office than the extraordinary growth of trade in those West Indian colonies. A few years ago they were thought of as almost worthless possessions, but I believe at the present time the trade with those colonies alone is as much as that with some considerable European countries. Not only so; the trade is rapidly increasing, because we are rapidly getting into communication with the interior. No trade is possible so long as native disturbances are taking place, and when honourable Members, animated no doubt by philanthropic intentions, protest against expeditions, punitive or otherwise, which are now the only way we can establish peace between contending savage tribes in Africa, they are protesting against the only system of civilizing and practically of developing the trade of Africa. . . .

I regard many of our colonies as being in the condition of undeveloped estates, and estates which can never be developed without imperial assistance. It appears to me to be absurd to apply to savage countries the same rules which we apply to civilized portions of the United Kingdom. Cases have already come to my knowledge of colonies which have been British colonies, perhaps, for more than one hundred years, in which up to the present time British rule has done absolutely nothing; and if we left them today we should leave them in the same condition as that in which we found them. How can we expect, therefore, either with advantage to them or to ourselves that trade with such places can be developed? I shall be prepared to consider very carefully myself, and then, if I am satisfied, to confidently submit to the House, any case which may occur in which, by the judicious investment of British money, those estates which belong to the British Crown may be developed for the benefit of their population and for the benefit of the greater population which is outside.

JOSEPH CHAMBERLAIN in the House of Commons, 2  
August 1895: 4 Hansard xxxvi, 641-2.

## 50. *Alien Immigration*

ONE other question I have to mention, and only one; that is, I wish to direct your attention to certain legislation which is in process of consideration, or which has been passed by some of the colonies, in regard to the immigration of aliens, and particularly of Asiatics.

I have seen these Bills, and they differ in some respects one from the other, but there is no one of them, except perhaps the Bill which comes to us from Natal, to which we can look with satisfaction. I wish to say that Her Majesty's Government thoroughly appreciate the object and the needs of the colonies in dealing with this matter. We quite sympathize with the determination of the white inhabitants of these colonies which are in comparatively close proximity to millions and hundreds of millions of Asiatics that there shall not be an influx of people alien in civilization, alien in religion, alien in customs, whose influx, moreover, would most seriously interfere with the legitimate rights of the existing labour population. An immigration of that kind must, I quite understand, in the interest of the colonies, be prevented at all hazards, and we shall not offer any opposition to the proposals intended with that object, but we ask you also to bear in mind the traditions of the Empire, which makes no distinction in favour of, or against race or colour; and to exclude, by reason of their colour, or by reason of their race, all Her Majesty's Indian subjects, or even all Asiatics, would be an act so offensive to those peoples that it would be most painful, I am quite certain, to Her Majesty to have to sanction it. Consider what has been brought to your notice during your visit to this country. The United Kingdom owns as its brightest and greatest dependency that enormous Empire of India, with 300,000,000 of subjects, who are as loyal to the Crown as you are yourselves, and among them there are hundreds and thousands of men who are every whit as civilized as we are ourselves; who are, if that is

anything, better born in the sense that they have older traditions and older families; who are men of wealth, men of cultivation, men of distinguished valour, men who have brought whole armies and placed them at the service of the Queen, and have in times of great difficulty and trouble, such for instance as on the occasion of the Indian Mutiny, saved the Empire by their loyalty. I say, you, who have seen all this, cannot be willing to put upon those men a slight which I think is absolutely unnecessary for your purpose, and which would be calculated to provoke ill-feeling, discontent, irritation, and would be most unpalatable to the feelings not only of Her Majesty the Queen, but of all her people.

What I venture to think you have to deal with is the character of the immigration. It is not because a man is of a different colour from ourselves that he is necessarily an undesirable immigrant, but it is because he is dirty, or he is immoral, or he is a pauper, or he has some other objection which can be defined in an Act of Parliament, and by which the exclusion can be managed with regard to all those whom you really desire to exclude. Well, gentlemen, this is a matter I am sure for friendly consultation between us. As I have said, the colony of Natal has arrived at an arrangement which is absolutely satisfactory to them, I believe, and remember they have, if possible, an even greater interest than you, because they are closer to the immigration which has already begun there on a very large scale, and they have adopted legislation which they believe will give them all that they want, and to which the objection I have taken does not apply, which does not come in conflict with this sentiment which I am sure you share with us; and I hope, therefore, that during your visit it may be possible for us to arrange a form of words, which will avoid hurting the feelings of any of Her Majesty's subjects, while at the same time it would amply protect the Australian colonies against any invasion of the class to which they would justly object.

JOSEPH CHAMBERLAIN at the Colonial Conference of  
1897: *Parliamentary Papers*, 1897, lix, 643-4.



## 51. Native Policy in South Africa

I HAVE just been reading with great interest . . . the substance of a speech . . . in which you dealt largely with our S. African

in that part of Africa called Rhodesia, adequate and sufficient protection against oppression and wrong," I most cordially agree, with this reservation, that I don't quite see the ground for your "particularly." It seems to me we are equally bound to secure the good treatment of the natives in the Transvaal, where we specially and most solemnly promised them protection when we gave back the country to the Boers, and inserted the provision in the Convention<sup>1</sup> giving us the fullest right to intervene in their behalf. This, however, though an important point, is not the particular point which I want to make in this letter. What I am so anxious that you and other English statesmen, especially Liberal statesmen, should understand is that object No. 2 is the principal obstacle to the attainment of object No. 1, is and always has been. . . . I should feel quite confident of being able to get over the Dutch-English difficulty if it were not so horribly complicated by the native question. . . . Rhodesia is a case in point. The blacks have been scandalously used. Even now, though *there is great amendment*, and though the position of the black man in Rhodesia is now probably more hopeful than in any part of South Africa not under direct

is more certain than that if the Imperial Government *were to be seen taking a strong line* against the Company for the protection of the blacks, the whole of Dutch opinion in South

<sup>1</sup> Of Pretoria (1881).

Africa would swing round to the side of the Company, and the bulk of—not the whole of—British colonial opinion would go with it. . . . You have, therefore, this singular situation, that you might indeed unite Dutch and English by protecting the black man, but you would unite them against yourself and your policy of protection. There is the whole crux of the S. African position. . . . By far the worst is the Transvaal. Here the black has no rights whatever, and there is neither kindness nor wisdom to restrain the brutality of the ruling oligarchy. In contrast . . . is the position of the black man in Basutoland and the Bechuanaland Protectorate. Here there is absolute "protection" for the black man "against oppression and wrong." In fact they are the preserves of the black man, in which our authority, a very light one, is simply exercised to keep the peace. But look at the result. The Imperial position in Basutoland and the Bechuanaland Protectorate is a source of constant friction with the colonists. The Cape Colony is constantly trying to get hold of the former, the Chartered Company of the latter—it had just got it in 1895, as you remember, when the Raid occurred and the whole arrangement was knocked on the head. Personally, I am dead against all these efforts. I want to preserve the Basuto and the Bechuana, for the present at least, from the tender mercies of the Bond<sup>1</sup> and our friend Cecil J. Rhodes. But observe, that by doing so I am weakening my hand in the game of conciliating the colonists, Dutch and English, and uniting Dutch and English. Dutch and English in the Colony are united in wanting to take over Basutoland. Even the Dutch would like to see Rhodes pocket Bechuanaland. . . . They hate Rhodes for the moment—but they hate an independent native state more—and at all times.

I tell you all this, not to magnify my difficulties but to help you to understand them. I feel that, if I fail out here, it will be over the native question. Nothing else is of the same seriousness. At the same time my course is clear. I have a strong conviction of what policy I ought to pursue, having regard at

<sup>1</sup> The Afrikaner Bond, the Dutch South African party in Cape Colony.

once to colonial rights of self-government and to the plighted faith of Great Britain to the natives. Within the Colony of which I am Governor, I can only use personal influence, doing all I can to encourage the minority which is for fair treatment of the natives, and to restrain the majority, without overstepping the limits of my power as a strictly constitutional ruler. In Rhodesia I still have, and if the Imperial Government retains, as I hope it will retain, a certain control over the administration, I shall continue to have, greater power, and I shall exercise it through the agents of the Company to introduce not indeed an ideal system, but one which I hope will be at least as humane and progressive as that of Natal. The great thing here is to secure the appointment of honourable and capable men as magistrates and native commissioners. If that can be done, I think the lot of the natives may be a very tolerable one and that even a system of compulsory labour indeed, under fair conditions and proper safeguards, may be turned to their advantage. As regards Basutoland and the Protectorate, I am *dead opposed* to any change in the *status quo*. I know that some day or other these districts must become a part of some self-governed white community. But I want to defer the change as long as ever I can and to make it dependent upon a great improvement, in the interval, in the treatment of the natives already subject to the Colonial rule. "Do you want to govern more natives?" in effect I say to them; "then show yourself worthy of the trust by governing better those which you already have." Lastly, as regards the Transvaal, I think very likely the question will solve itself, because the Transvaal oligarchy is bound sooner or later to topple over. But if it does not, then, *some years later*, I may see my way to giving some effect to our promises and the Boer pledges to treat the natives fairly. But it is *much too soon* to attempt anything of the kind. The Transvaal Boers are still so sore with us that it is useless for us to make any remonstrance which we are not prepared to support by war. Forgive this long lecture—*Liberati animus*. It is a great comfort to me to think that if these questions ever become the subject of discussion in England, *where the*

*intemperate or ill-informed discussion of them may do infinite harm*, there will be at least one outside critic who knows what my difficulties are and what I am driving at and who, whether he approves or disapproves my methods, will at least understand and I believe sympathize with my objects.

P.S.—If you like at any time to show this letter to Morley, or to any other good man and true on your side, do so. I know that you will only do so with all discretion. Remember, the Colonials are intensely sensitive about English criticism, and any criticism which does not recognize their difficulties (and the difficulties of governing a vast black population are very great) does more harm than good.

SIR ALFRED MILNER to H. H. Asquith, 18 November 1897: *The Milner Papers* (1931), i, 177–180.

## 52. *Indirect Rule*

CENTRAL African races and tribes have, broadly speaking, no sentiment of patriotism, as understood in Europe. There is therefore little difficulty in inducing them to accept what German jurisconsults term *Ober-Hoheit*, which corresponds with one interpretation of our vague term "Protectorate." But when complete sovereignty, or *Landes-Hoheit*, is conceded, they invariably stipulate that their local customs and system of government shall be respected. On this point they are, perhaps, more tenacious than most subject races with whom the British Empire has had to deal; while their views and ideals of life are extremely difficult for an Englishman to understand. It is therefore certain that even an imperfect and tyrannical native African administration, if its extreme excesses were controlled by European supervision, would be, in the early stages, productive of far less discomfort to its subjects than well-intentioned but ill-directed efforts of European magistrates, often young and headstrong, and not invariably gifted with sympathy and introspective powers. If the welfare of the native

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races is to be considered, if dangerous revolts are to be obviated, the general policy of ruling on African principles through native rulers must be followed for the present. Yet it is desirable that considerable districts in suitable localities should be administered on European principles by European officials, partly to serve as types to which the native governments may gradually approximate, but principally as cities of refuge in which individuals of more advanced views may find a living, if native government presses unduly upon them; just as, in Europe of the Middle Ages, men whose love of freedom found the iron-bound system of feudalism intolerable, sought eagerly the comparative liberty of cities.

SIR GEORGE TAUBMAN GOLDIE, in introduction to S. Vandeleur, *Campaigning on the Upper Nile and Niger* (1898), xxi-xxiii.

### 53. *The Treatment of Backward Peoples*

THE cruelties perpetrated by white men upon coloured men are, almost wherever and however they meet, stupendous. But the coloured men who are worked under definite rules and indentures are far better off than those who cannot be worked at all, or those who, under conditions of nominal equality, are forced to work, unprotected, beneath the hand of any chance master. The Kanakas in Queensland, under the old indenture system, were no doubt treated both harshly and unfairly. They were kidnapped, they were brutally used, they were cheated of their miserable earnings. And it may be doubted whether the improvement of their condition under the present system is as great as is alleged. Yet they were probably better off than the Matabele forced labourers, strong men held down under a weak and irregular system, which had necessarily to be backed up by fraud or violence. But go, if you dare, into a searching comparison between the treatment of the Queensland Kanakas, who were useful beasts of burden,

and that of the Queensland aborigines, who were regarded as vermin, and you will bless the lot of the half-enslaved Kanaka. . . .

What way is there of meeting a situation such as this? Perhaps there is none. At least, the best solution seems to me to demand certain national qualities which neither England nor, as far as I know, any European nation either possesses or seeks to acquire. But at least we must face the facts frankly, and apply lenitives. The coloured races whose lands we invade cannot remain free men. The white man who lives among them, do what we will to control him from Westminster—and those who wish to control him are a small and perhaps a diminishing party—will either force the coloured men to serve him, or else sweep them from his path. Let us help him, in order that we may control him. Let us not jib at special native legislation; let us increase the sphere of our protecting codes. Only let us insist on having the codes administered, as far as possible, by imperial officers, who, though often ignorant and unsympathetic, will be free from the disastrous bias of the colonists themselves.

Let us frankly abandon for the present the ideal of one universal British law—we have never really acted upon it. Let us recognize the dependent condition of the natives, help towards liberty those that can be helped, and defend the rest by every possible means from masters who are sure, at the best, to exploit them harshly. There is in the world a hierarchy of races. The bounds of it are not, of course, absolute and rigid, as the negro judges in America and the many eminent natives of India show; but, on the whole, it seems that those nations which eat more, claim more, and get higher wages, will direct and rule the others, and the lower work of the world will tend in the long run to be done by the lower breeds of men. Thus much we of the ruling colour will no doubt accept as obvious. It is probable, too, in spite of the present reaction in favour of harshness, that in course of time, partly by better organization, partly by increased publicity and the action of European opinion upon the colonists, partly by the mere

extirpation of the most ill-used races, the presence of the white man will tend to entail less extreme suffering upon his subjects. The great question is whether we are able, either by a gigantic improvement in the British national character, or by constant and lively supervision, or by some ingenious scheme for combining the interests of ruler and subject, to induce our colonists and our home public to labour honourably and intelligently for the welfare of those weak human beings to whom we fulfil almost the rôle of Providence, or whether we prefer to treat them chiefly as means of satisfying our desire for riches, our love of glory, or our instinct for authority and command. No doubt that extravagant self-conceit which every nation thinks fit to encourage in itself and to rebuke in others has long ago answered this question in our favour. But the answer is premature. The task is barely begun, and not begun so very brilliantly. If ever in the lifetime of the world a duty has been laid upon a nation, a great and manifest obligation lies on us towards our subject peoples, the duty of endeavouring by strenuous and honest sympathy, justice, and even magnanimity, to obliterate our cruel conquests, and justify our world-wide usurpation. On the way in which we respond to that call of duty, more than on any other single criterion, depends the verdict that history must pass upon us, whether to proclaim us the greatest and most beneficent of nations, or merely to dismiss us as one more group in the long dark flight of transient and unprofitable conquerors, "birds of prey and of passage," at whose final disappearance Humanity will raise her bent head and utter a sigh of relief.

GILBERT MURRAY, in *Liberalism and the Empire* (1900),  
152-7.

#### 54. *The Peace of Vereeniging*, 1902

GENERAL LORD KITCHENER OF KHARTOUM, Commanding-in-Chief, and His Excellency Lord Milner, High Com-

missioner, on behalf of the British Government,  
and  
Messrs. S. W. Burger, F. W. Reitz, Louis Botha, J. H. de la  
Rey, L. J. Meyer, and J. C. Krogh, acting as the Govern-  
ment of the South African Republic,  
and  
Messrs. W. J. C. Brebner, C. R. de Wet, J. B. M. Hertzog,  
and C. H. Olivier, acting as the Government of the Orange  
Free State,

on behalf of their respective burghers, desirous to terminate  
the present hostilities, agree on the following articles:—

1. The burgher forces in the field will forthwith lay down  
their arms, handing over all guns, rifles, and munitions of war,  
in their possession or under their control, and desist from any  
further resistance to the authority of His Majesty King Edward  
VII, whom they recognize as their lawful sovereign.

The manner and details of this surrender will be arranged  
between Lord Kitchener and Commandant-General Botha,  
Assistant Commandant-General de la Rey, and Chief Com-  
mandant de Wet.

2. Burghers in the field outside the limits of the Transvaal  
and Orange River Colony, and all prisoners of war at present  
outside South Africa, who are burghers, will, on duly declaring  
their acceptance of the position of subjects of His Majesty  
King Edward VII, be gradually brought back to their  
homes as soon as transport can be provided and their means  
of subsistence ensured.

3. The burghers so surrendering or so returning will not  
be deprived of their personal liberty, or their property.

4. No proceedings, civil or criminal, will be taken against  
any of the burghers so surrendering or so returning for any  
acts in connexion with the prosecution of the war. The benefit  
of this clause will not extend to certain acts contrary to the  
usage of war which have been notified by the Commander-in-  
Chief to the Boer generals, and which shall be tried by court-  
martial immediately after the close of hostilities.

5. The Dutch language will be taught in public schools



in the Transvaal and the Orange River Colony where the parents of the children desire it, and will be allowed in courts of law when necessary for the better and more effectual administration of justice.

6. The possession of rifles will be allowed in the Transvaal and Orange River Colony to persons requiring them for their protection on taking out a licence according to law.

7. Military administration in the Transvaal and Orange River Colony will at the earliest possible date be succeeded by civil government, and, as soon as circumstances permit, representative institutions, leading up to self-government, will be introduced.

8. The question of granting the franchise to natives will not be decided until after the introduction of self-government.

9. No special tax will be imposed on landed property in the Transvaal and Orange River Colony to defray the expenses of the war.

10. As soon as conditions permit, a Commission, on which the local inhabitants will be represented, will be appointed in each district of the Transvaal and Orange River Colony, under the presidency of a magistrate or other official, for the purpose of assisting the restoration of the people to their homes and supplying those who, owing to war losses, are unable to provide for themselves, with food, shelter, and the necessary amount of seed, stock, implements, etc. indispensable to the resumption of their normal occupations.

His Majesty's Government will place at the disposal of these Commissions a sum of three million pounds sterling for the above purposes, and will allow all notes, issued under Law No. 1 of 1900 of the Government of the South African Republic, and all receipts given by the officers in the field of the late Republics or under their orders, to be presented to a Judicial Commission, which will be appointed by the Government, and if such notes and receipts are found by this Commission to have been duly issued in return for valuable consideration they will be received by the first-named Commissions as evidence of war losses suffered by the persons to

- whom they were originally given. In addition to the above-named free grant of three million pounds, His Majesty's Government will be prepared to make advances as loans for the same purposes, free of interest for two years, and afterwards repayable over a period of years with 3 per cent interest. No foreigner or rebel will be entitled to the benefit of this clause.

Signed at Pretoria this thirty-first day of May in the year of Our Lord one thousand nine hundred and two.

Kitchener of Khartoum

Milner

S. W. Burger

F. W. Reitz

Louis Botha

J. H. de la Rey

L. J. Meyer

J. C. Krogh

C. R. de Wet

J. B. M. Hertzog

W. J. C. Brebner

C. H. Olivier

C. JEPPE and J. H. GEY VAN PITTIUS (ed.), *Statute Law of the Transvaal 1839-1910* (1910), ii, 445-6.

## 55. Colonialism and Imperialism

IN the light of this inquiry, directed to the Empire as a whole, how do we regard the New Imperialism? Almost the whole of it, as we have seen, consists of tropical or sub-tropical territory, with large populations of savages or "lower races"; little of it is likely, even in the distant future, to increase the area of sound colonial life. In the few places where English colonists can settle, as in parts of the South African states, they will be, so largely outnumbered by dark populations as to render the adoption of free representative government impracticable.

In a single word, the New Imperialism has increased the area of British despotism, far outbalancing the progress in

population and in practical freedom attained by our few democratic colonies.

It has not made for the spread of British liberty and for the propagation of our arts of government. The lands and populations which we have annexed we govern, in so far as we govern them at all, by distinctively autocratic methods, administered chiefly from Downing Street, but partly from centres of colonial government, in cases where self-governing colonies have been permitted to annex.

Now this large expansion of British political despotism is fraught with reactions upon home politics which are deserving of most serious consideration. A curious blindness seems to beset the mind of the average educated Briton when he is asked to picture to himself our colonial empire. Almost instinctively he visualizes Canada, Australasia, and South Africa—the rest he virtually ignores. Yet the Imperialism which is our chief concern, the expansion of the last quarter of the nineteenth century, has nothing in common with Canada and Australasia, and very little with "white man's Africa."

When Lord Rosebery uttered his famous words about "a free, tolerant, and unaggressive Empire," he can scarcely have had in mind our vast encroachments in West and Central Africa, in the Sudan, on the Burmese frontier, or in Matabeleland. But the distinction between genuine Colonialism and Imperialism, important in itself, is vital when we consider their respective relations to domestic policy.

Modern British Colonialism has been no drain upon our material and moral resources, because it has made for the creation of free white democracies, a policy of informal federation, of decentralization, involving no appreciable strain upon the governmental faculties of Great Britain. Such federation, whether it remains informal with the slight attachment of imperial sovereignty which now exists, or voluntarily takes some more formal shape, political or financial, may well be regarded as a source of strength, political and military.

Imperialism is the very antithesis of this free, wholesome colonial connexion, making, as it ever does, for greater

complications of foreign policy, greater centralization of power, and a congestion of business which ever threatens to absorb and overtax the capacity of parliamentary government.

The true political nature of Imperialism is best seen by confronting it with the watchwords of progress accepted in the middle of the nineteenth century by moderate men of both great parties in the state, though with interpretations varying in degree—peace, economy, reform, and popular self-government. Even now we find no formal abandonment of the principles of government these terms express, and a large section of professed Liberals believe or assert that Imperialism is consistent with the maintenance of all these virtues.

This contention, however, is belied by facts. The decades of Imperialism have been prolific in wars; most of these wars have been directly motivated by aggression of white races upon "lower races," and have issued in the forcible seizure of territory. Every one of the steps of expansion in Africa, Asia, and the Pacific has been accompanied by bloodshed; each imperialist power keeps an increasing army available for foreign service; rectification of frontiers, punitive expeditions, and other euphemisms for war have been in incessant progress. The *Pax Britannica*, always an impudent falsehood, has become a grotesque monster of hypocrisy; along our Indian frontiers, in West Africa, in the Sudan, in Uganda, in Rhodesia, fighting has been well-nigh incessant. Although the great imperialist powers kept their hands off one another, save where the rising empire of the United States found its opportunity in the falling empire of Spain, the self-restraint has been costly and precarious. Peace as a national policy is antagonized not merely by war, but by militarism, an even graver injury. Apart from the enmity of France and Germany, the main cause of the vast armaments which have drained the resources of most European countries is their conflicting interests in territorial and commercial expansion. Where thirty years ago there existed one sensitive spot in our relations with France, or Germany, or Russia, there are a dozen now; diplomatic strains are of almost monthly occurrence between powers with African

or Chinese interests, and the chiefly business nature of the national antagonisms renders them more dangerous, inasmuch as the policy of governments passes under the influence of distinctively financial juntos.

The contention of the *si vis pacem para bellum* school, that armaments alone constitute the best security for peace, is based upon the assumption that a genuine lasting antagonism of real interests exists between the various peoples who are called upon to undergo this monstrous sacrifice.

Our economic analysis has disclosed the fact that it is only the interests of competing cliques of business men—investors, contractors, export manufacturers, and certain professional classes—that are antagonistic; that these cliques, usurping the authority and voice of the people, use the public resources to push their private interests, and spend the blood and money of the people in this vast and disastrous military game, feigning national antagonisms which have no basis in reality. It is not to the interest of the British people, either as producers of wealth or as taxpayers, to risk a war with Russia and France in order to join Japan in preventing Russia from seizing Corea; but it may serve the interests of a group of commercial politicians to promote this dangerous policy. The South African war, openly fomented by gold speculators for their private purposes, will rank in history as a leading case of this usurpation of nationalism.

J. A. HOBSON, *Imperialism: a Study* (1938 ed.), 124-7.<sup>1</sup>

## 56. *Parliamentary Government in India*

(a) *John Morley*

NOT one whit more than you do I think it desirable or possible, or even conceivable, to adapt English political institutions to the nations who inhabit India. Assuredly not in your day or mine. But the *spirit* of English institutions is a different thing,

<sup>1</sup> Hobson's book was first published in 1902

and it is a thing that we cannot escape even if we wished, which I hope we don't. I say we cannot escape it, because British constituencies are the masters, and they will assuredly insist—all parties alike—on the spirit of their own political system being applied to India. The party of ascendancy fought that spirit in Ireland for a good many generations; but at last ascendancy has broken down. No Unionist denies it. This is what Gokhale<sup>1</sup> and his friends have found out, and you make a great mistake if you don't allow for the effect that they may produce in the Press, on the platforms, and in the House of Commons. Cast-iron bureaucracy won't go on for ever, we may be quite sure of that, and the only thing to be done by men in your place and mine is to watch coolly and impartially, and take care that whatever change must come shall come slow and steady. We are one in all that, I am sure.

JOHN MORLEY to Lord Minto, 6 June 1906: Morley, *Recollections* (1917), ii, 172-3.

(b) *Lord Minto*

No one believes more firmly than I do that the safety and welfare of India depends on the permanence of British administration, but I equally believe that the permanence of that administration depends upon a sound appreciation of the changing conditions which surround it. I am no advocate of "representative government for India" in the Western sense of the term. It could never be akin to the instincts of the many races composing the population of the Indian Empire. It would be a Western importation unnatural to Eastern tastes. From time immemorial in India the power of the state has rested in the hands of absolute rulers. Neither under Hindu kings nor Mahommedan emperors had the people any voice in the affairs of state. Sir Courtenay Ilbert observes in the opening

<sup>1</sup> G. K. Gokhale (1866-1915), Indian nationalist leader and President of the Congress party in 1905.

sentences of his work on the Government of India: "British authority in India may be traced historically to a twofold source: it is derived partly from the British Crown, partly from the Great Mogbul and other native rulers of India. These are the two sources of our authority and they involve important consequences. As heirs to a long series of Indian rulers we are bound to reserve to ourselves the ultimate control over all executive action and the final decision in matters of legislation; as trustees of British principles and traditions we are equally bound to consult the wishes of the people and to provide machinery by which their views may be expressed as far as they are articulate."

To say this is not to advocate the introduction of popular representation. The Government of India must remain autocratic; the sovereignty must be vested in British hands and cannot be delegated to any kind of representative assembly. No such assembly could claim to speak on behalf of the Indian people so long as the uneducated masses, forming nearly ninety per cent of the adult male population, are absolutely

shows how the British Government in India is the embodiment of two principles: the principle of autocracy derived from the Mogbul emperors and Hindu rulers, whose methods they adopted, and the principle of constitutionalism derived from the British Crown and Parliament. Can we fuse these two principles into a definite system of government, into what may be called a "constitutional autocracy," and thus give to our administration a definite and permanent shape? There is all the difference in the world between the arbitrary autocracy of the Asiatic despotism and the constitutional autocracy which binds itself to govern by rule, which admits and invites to its councils representatives of all the interests which are capable of being represented, and which merely reserves to itself, in

the form of a narrow majority, the predominant and absolute power which it can only abdicate at the risk of bringing back the chaos to which our rule put an end.

I do not believe that any committee has ever been asked to consider questions fraught with more immense possibilities than those with which the report before us has attempted to deal. A mere sop to agitation is beside the mark. To deal out in dribbles what we may eventually be forced to give wholesale would be equally so. The committee has in fact been asked to discover whether it is possible to give to India something that may be called a "constitution" framed on sufficiently liberal lines to satisfy the legitimate aspirations of the most advanced Indians, whilst at the same time enlisting the support of the conservative element of native society: a constitution based on the traditions and practice of both English and Indian rulers: not an experimental makeshift, but a working machine, representing all interests that are capable of being represented, and providing for an adequate expression of the sentiments and requirements of the masses of the people, and in particular of the great agricultural class forming two-thirds of the entire population. And, to my mind, there is no answer to be found to the problem unless we call to our counsels the people over whom we rule.

LORD MINTO, Memorandum on the Report of the Committee on Indian Reforms, March 1907: Lady Minto, *India: Minto and Morley* (1935), 110-11.

(c) *A. J. Balfour*

We all admit that representative government, government by debate, is the best form of government where it is suitable, but it is only suitable, really I think everybody must admit, where you are dealing with a population in the main homogeneous, in the main equal in every substantial and essential sense, in a community where the minority is prepared to



accept the decisions of the majority, where they are all alike in the traditions in which they are brought up, in their general outlook upon the world, and in the broad view of national aspirations. There, and only there, can you really deal effectively by debate and by representation with the affairs of the nation. We quarrel so much in this House that we suppose ourselves to be violently separated, but if the substantial basis of common agreement were not incomparably greater in this House than it can ever be in a community like India, our debates would be perfectly useless, government would come to chaos, and administration would be impossible. . . . I am really greatly

they get to India have immediately to learn the immensely difficult and complicated problems essentially connected with the administration—you are going to ask them in addition to be ready to defend themselves against some ingenious native lawyer whose delight and pleasure, and perhaps whose road to fame, and it may be to income, consists in embarrassing the administration in respect of which he is absolutely independent. That may work very well if the people who carry out that policy are, if successful, to take the places of those they criticize. . . . But these people will never be in office. You give them the right and the duty, or at all events you give them the opportunity, of practising all the most skilled arts of parliamentary fence, but you never give them the calming reflection that if they talk like that they may have to act some day in accordance with the principles they so glibly defend, and find that practice in office is very different to theory in opposition. I do not think that you can help Indian administration in that way. . . . British administration, good or bad, lacking or not lacking sympathy with native feelings in all directions, is at all events an honest administration, sincerely desirous of protecting the poor and the masses of the community by stopping corruption and oppression, which are too common in all countries, and which are the special and poisonous growth of Oriental

despotism. Such a government you do not want to control by these unofficial majorities, because to control them in that way prevents them carrying out their duties impartially. What you do want to see is that there is sufficient native opinion to make them thoroughly acquainted, as far as possible, with every need and changing circumstance of a great collection of communities, for whose fortunes they are responsible. That I agree you must do by having natives on the council; but why you should have a majority, why you should encourage this style of supplementary questions, why you should do everything to make assemblies which are not representative, and which you do not intend to make representative, mimics of all the worst and most laborious parts of our procedure; that I admit absolutely passes my comprehension.

A. J. BALFOUR in the House of Commons, 1 April 1909: 5 Hansard iii, 553-7.

### *57. Parliamentary Government in Egypt*

ENGLISHMEN are less imitative than most Europeans in this sense—that they are less disposed to apply the administrative and political systems of their own country to the government of backward populations; but in spite of their relatively high degree of political elasticity, they cannot shake themselves altogether free from political conventionalities. Moreover, the experienced minority is constantly being pressed by the inexperienced majority in the direction of imitation. Knowing the somewhat excessive degree of adulation which some sections of the British public are disposed to pay to their special idol, Lord Dufferin, in 1883, was almost apologetic to his countrymen for abstaining from an act of political folly. He pleaded strenuously for delay in the introduction of parliamentary institutions into Egypt, on the ground that our attempts “to mitigate predominant absolutism” in India had been slow, hesitating, and tentative. He brought poetic metaphor to his

aid. He deprecated paying too much attention to the "murmuring leaves," in other words imagining that the establishment of a Chamber of Notables implied constitutional freedom, and he exhorted his countrymen "to seek for the roots," that is to say to allow each Egyptian village to elect its own mayor (Sheikh).<sup>1</sup>

It cannot be too clearly understood that whether we deal with the roots, or the trunk, or the branches, or the leaves, free institutions in the full sense of the term must for generations to come be wholly unsuitable to countries such as India and Egypt. . . .

So limited is the stock of political ideas in the world that some modified copy of parliamentary institutions is, without doubt, the only method which has yet been invented for mitigating the evils attendant on the personal system of government. But it is a method which is thoroughly uncongenial to Oriental habits of thought. It may be doubted whether by the adoption of this exotic system, we gain any real insight into native aspirations and opinions. As to the educational process, the experience of India is not very encouraging. The good government of most Indian towns depends to this day mainly, not on the Municipal Commissioners, who are generally natives, but on the influence of the President, who is usually an Englishman.

A further consideration in connexion with this point is also of some importance. It is that British officials in Eastern countries should be encouraged by all possible means to learn the views and the requirements of the native population. The establishment of mock parliaments tends rather in the opposite direction, for the official on the spot sees through the mockery and is not infrequently disposed to abandon any attempt to ascertain real native opinion, through disgust at the unreality, crudity, or folly of the views set forth by the putative representatives of native society.

<sup>1</sup> See Lord Dufferin's dispatch to Earl Granville on the reorganization of Egypt, 6 February 1883: *Parliamentary Papers*, 1883, lxxxiii, 86-130. The reference to the "roots" and the "murmuring leaves" occurs on page 93.

For these reasons it is important that, in our well-intentioned endeavours to impregnate the Oriental mind with our insular habits of thought, we should proceed with the utmost caution, and that we should remember that our primary duty is not to introduce a system which, under the specious cloak of free institutions, will enable a small minority of natives to misgovern their countrymen, but to establish one which will enable the mass of the population to be governed according to the code of Christian morality. A freely elected Egyptian parliament, supposing such a thing to be possible, would not improbably legislate for the protection of the slave-owner, if not the slave-dealer, and no assurance can be felt that the electors of Rajputana, if they had their own way, would not re-establish suttee. Good government has the merit of presenting a more or less attainable ideal. Before Orientals can attain anything approaching to the British ideal of self-government they will have to undergo very numerous transmigrations of political thought.

LORD CROMER, *Essay on the Government of Subject Races: Political and Literary Essays*, 1908-13 (1913), 24-8.

## 58. *Responsible Government in India*

THE policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's

Government have accordingly decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local governments, and to receive with him the

ment of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility.

Ample opportunity will be afforded for public discussion of the proposals, which will be submitted in due course to Parliament.

L. S. MONTAGU in the House of Commons, 20 August 1917: 5 Hansard xcvi, 1695-6.

### *59. Indirect Rule in Southern Nigeria*

THE system may thus be said to have worked with good results in the North, and I desired to introduce its principles in the South. It is, however, obvious that it depends essentially on the principle of direct taxation, which provides the means whereby the Native Administration can pay salaries to the paramount chief and all other officials, and so put an end to the unlimited exactions on which they had previously lived, and reduce their number to those actually required for the service of the Native Administration. The Secretary of State was unwilling to authorize this innovation, while hostilities were going on in the Cameroons, and the position in regard to Yoruba and Egbaland became in consequence one of great

difficulty, for there was nothing to substitute for the native misrule, which had received a severe check in consequence of the steps I have already described.

In the kingdom of Benin a new situation was created by the death of the ex-Oba, Overami, who had been in exile since the conquest of his country after the massacre of a British mission in 1896. In response to the wishes of the people, his son was recognized as Oba, and he willingly accepted the Government policy, including the direct tax. As Benin was conquered territory, the Oba was informed that while the regulation of the occupation of land by natives was left to his control under native law and custom, leases to non-natives and aliens required the approval of the Governor, and their rentals would be divided between the General Revenue and the Native Treasury. The Governor could take any unoccupied land required for a public purpose without payment, or on payment of compensation if occupied.

Towards the close of 1916 the financial position, owing to the war, had become very serious, and I was accorded permission to introduce direct taxation in Yorubaland, Egba, and Benin on my own responsibility, and subject to the proviso that both chiefs and people voluntarily agreed to it, and that no more was asked of the people than they were already paying by tribute and other levies to their chiefs. The favourable moment of transition to the new regime had already passed. Misrepresentation by the horde of idle parasites, whose occupation would be gone, had had time to do its work, and though taxation had not as yet been introduced a serious disturbance took place at Iseyin in Yoruba towards the close of 1916, and a still more serious one in Egba early in 1918. The causes, however, of this unrest were complex, and it would not be justifiable to ascribe them to any one motive.

During 1918 taxation was successfully introduced in Yoruba; the people appeared thoroughly convinced of the advantages of consolidating the demands made upon them in a single payment, and there was something almost approaching enthusiasm in the way the money poured in. Receipts were given

to each taxpayer, and the District Officer states that in one centre £3,400 was paid in twenty-four hours, and in another a similar sum was received in six hours amid scenes of great good humour. "The system of taxation," writes the Resident, "is not unpopular, and if we can keep our pledges by protecting the people from old exactions, free labour, and injustice, the contentment will continue." The total received in 1918 was £72,000, and the estimate for 1919 is £133,000. The Illesha division and the Ondo province have asked to be included in the scheme. In Benin the tax was paid without difficulty, and in Egba the assessment was completed, the Alaki and the second principal Chief insisting on paying their heavy income tax as an example to the rest, though exempted as salaried chiefs. The inauguration of Native Administrations was then a comparatively easy matter. The division of the province into districts, each under a Headman, the assessment of salaries to them and to the Chief's Council, the preparation of Estimates of the Revenue and Expenditure were all completed by the end of the year. The revenues of the Native Administrations of Yoruba and Egbaland will probably be very large.

The disintegration of Yorubaland was arrested, and the supreme authority of the Alafin recognized by all, to the immense benefit of the country. A check was put on the depredations of Lagos land speculators, whose actions, backed by certain native lawyers, had already gone far to break down the native system of land tenure. The difficult question of existing leases or freeholds acquired by aliens was investigated, and the authority of the native chiefs re-established, but not without difficulty. A strong Native Government is in process of being built up under its own rulers, which will be able to resist the sinister influence of more or less educated aliens which was rapidly destroying it. The Native Courts are reported to be a "huge success."

The difficult task still remains of extending these principles to the remainder of the Southern Provinces when the Secretary of State consents to this course, which is strongly urged by the most responsible officers. The Native Revenue Ordinance,

hitherto applicable to the Northern Provinces only, has recently been applied to the whole of the Southern Provinces. This step had been deferred (as in the Northern Provinces) until actual experience should show the form of legislation required. The Lieutenant-Governor expresses the view that before many years the tax should yield a revenue of a million sterling, thus fully replacing the indirect tax accruing from duties on spirits.

*Report by Sir F. D. Lugard on the Amalgamation of Northern and Southern Nigeria, and Administration, 1912-19: Parliamentary Papers, 1919, xxxvi, 623-4.*

### 60. *The Liquor Traffic in Nigeria*

THE importation of vast quantities of Continental spirits, and their utilization as a principal source of revenue, is, I believe, peculiar to the West African colonies. It is a matter which so closely affects both trade and finance, and, moreover, is a question of so much importance in regard to native policy, that it merits some special consideration. Their introduction into Northern Nigeria was prohibited by the Brussels Act, as being a territory in which, at that date (1892), its sale was not already established. This prohibition has been rigorously enforced, and it is to the credit of the Royal Niger Company that they had not introduced spirits into this area prior to the passing of the Act.

Whether the traffic tends to the demoralization of the native races, in view of the quantity imported relatively to the population, the quality of the spirit, and its replacement by native-made liquor, is a matter of controversy into which I do not propose to enter. A strong Committee appointed by Lord Crewe in 1909 reported very definitely in an opposite sense. I will merely observe that, in my opinion, many of the evils attributed to imported spirits, e.g. physical deterioration, decrease in birth-rate, and spread of tuberculosis and insanity,



are traceable to the appalling prevalence of venereal disease, for the control of which measures are urgently needed.

But, however this may be, no one can deny that it is a sterile import, upon which the native wasted over one and a half million sterling annually, without securing any improvement in his standard of comfort, or increasing productive output; that it is a disgrace to an administration that the bulk of its customs, and nearly half its revenue, should be derived from such a source; and that it is a foreign product, and *pro tanto* decreases British imports of a more useful character.

Before the war spirits were imported chiefly in German bottoms. Mr. Chamberlain stated that he held it as a matter of deep conviction that the traffic was discreditable to the British name, and disastrous to British trade.

It has been argued on the other hand that if the supply of imported liquor were curtailed, its place would be taken by native-made liquor at a sacrifice of over a million of revenue, and the purchasing power of over four million gallons of spirit in native produce, with possibly worse effects on the moral condition of the people, and a danger of destroying the wealth of the country. I hope to show that these fears are at least greatly exaggerated. Whatever residuum of truth may remain will not form a justification for participation, in the view of any impartial exponent of the obligations laid upon a government which is in the position of trustee for the welfare of the native population. Freed from this reproach it is the duty of the administration to control as far as possible the abuse of native intoxicants. Other parts of the Empire, e.g. India, Hong Kong and the Straits, have made an equal sacrifice in the matter of opium. . . .

I hope that the demand for a comforting beverage may, at any rate in the coast towns and closely adjoining districts, where a very large proportion of the spirits are consumed, be met by the establishment of a brewery in Lagos, where a light beer, containing not more than 4 per cent of alcohol—ginger beer, I believe, usually contains a certain percentage—may be

locally brewed. Arrangements are already nearly completed with the promoters.

I understand, however, that such beer will not stand transport to the interior, nor would its price admit of transport charges. It is reported that such beers are popular, but being imported in the bottle they are very expensive. The local brewery aims at selling at 1s. a gallon. The love of the natives for bitters is shown by the demand for imported beer and the immense demand for the bitter kola-nut, of which 1,130,000 lb. paid duty in 1917, in addition to the imports over inland frontiers and the considerable local supply. I have, therefore, hope that such a beverage would largely replace spirits, and counteract to an equivalent degree their replacement by local "palm-wine." The excise duty would, at the same time, yield an appreciable sum. The French, I observe, advocate the substitution in their colonies of French claret.

Total prohibition of imported spirits for the natives accustomed to their use for decades, while admitting spirits for Europeans (and they should not, I think, be wholly prohibited in West Africa), would violate the principle which forbids class legislation, and would be unjust. I have suggested a prohibitive tariff for foreign-made spirits, and I should welcome a refusal on the part of the shipping company to carry them, but I do not desire to see the manufacture transferred to British firms. . . . I propose, therefore, a progressive increase in duties—whatever the source of origin—on this class of cheap spirit, until the prime cost plus duty equals the prime cost plus duty of ordinary whisky.

I claim that the facts I have recorded establish two conclusions. First, that the Government of Nigeria can dispense with revenue derived from spirits. Even the export duties can be abolished as soon as direct taxation in the Southern Provinces is fully developed, or they may be retained solely to pay the interests, etc., on the six million war debt assumed by Nigeria. Secondly, that the produce trade can be conducted successfully without them. . . .

The policy adopted by the Government of Nigeria in

regard to liquor as affecting the native population may therefore be summarized as follows:—

- (a) The extinction of the traffic in spirits, whatever their origin, as an article of trade with the natives, and the restriction of the import of spirits by the imposition of heavy duties on cheap trade spirits up to a point at which the prime cost plus duty will equal the prime cost plus duty of spirits usually imported for European consumption.
- (b) The control of the sale of imported liquor by a system of licences in all those areas in which such control is at present feasible, and the gradual extension of the licensing system.
- (c) The rigorous enforcement of prohibition in those areas at present closed to the sale of spirits to natives, and the extension of those areas where it is found to be feasible.
- (d) The substitution of light beer for imported spirits.
- (e) The control of the sale of native-made fermented liquor in places where direct European supervision is possible, and in districts under Moslem law where the assistance of the Native Administration can be relied upon. Prohibition of tapping oil-palms in such a way as to injure the tree.
- (f) Prohibition of local distillation except by special sanction for scientific purposes or of denatured spirit for commercial purposes under strict safeguards.

*Report by Sir F. D. Lugard on the Amalgamation of Northern and Southern Nigeria, and Administration, 1912-19: Parliamentary Papers, 1919, xxxvi, 663-7.*

## 61. *The Dual Mandate*

LET it be admitted at the outset that European brains, capital, and energy have not been, and never will be, expended in developing the resources of Africa from motives of pure philanthropy; that Europe is in Africa for the mutual benefit of her own industrial classes, and of the native races in their progress to a higher plane; that the benefit can be made recipro-

cal, and that it is the aim and desire of civilized administration to fulfil this dual mandate.

By railways and roads, by reclamation of swamps and irrigation of deserts, and by a system of fair trade and competition, we have added to the prosperity and wealth of these lands, and checked famine and disease. We have put an end to the awful misery of the slave-trade and inter-tribal war, to human sacrifice and the ordeals of the witch-doctor. Where these things survive they are severely suppressed. We are endeavouring to teach the native races to conduct their own affairs with justice and humanity, and to educate them alike in letters and in industry.

When I recall the state of Uganda at the time I made the treaty in 1890 which brought it under British control, or the state of Nigeria seven years later, and contrast them with the conditions of today, I feel that British effort—apart from benefits to British trade—has not been in vain. In Uganda a triangular civil war was raging—Protestants, Roman Catholics, and Moslems, representing the rival political factions of British, French, and Arabs, were murdering each other. Only a short time previously triumphant paganism had burnt Christians at the stake and revelled in holocausts of victims. Today there is an ordered government with its own native parliament. Liberty and justice have replaced chaos, bloodshed, and war. The wealth of the country steadily increases. The slave-raids and tyranny of the neighbouring kingdom of Unyoro have given place to similar progress and peace.

In Nigeria in 1902 slave-raiding armies of 10,000 or 15,000 men laid waste the country, and wiped out its population annually in the quest for slaves. Hundreds of square miles of rich well-watered land were depopulated. Barth bore witness to a similar condition of things fifty years ago. Men were impaled in the market-place of Kano. I have described its dungeon. Nowhere was there security for life and property. Today the native Emirs vie with each other in the progress of their schools; the native courts administer justice, and themselves have liberated over 50,000 slaves. The Sultan of Sokoto

and the other Emirs are keenly interested in such questions as afforestation, artesian-well boring, and vaccination. The native prisons have been pronounced by the medical authority to be a model for Government to imitate; the leper settlement in Bornu under purely native control is the most successful I know of.

I refer to these two countries because I happen to have personally witnessed their condition prior to the advent of British control, but similar results may be seen in every other British dependency in tropical Africa.

As Roman imperialism laid the foundations of modern civilization, and led the wild barbarians of these islands along the path of progress, so in Africa today we are repaying the debt, and bringing to the dark places of the earth, the abode of barbarism and cruelty, the torch of culture and progress, while ministering to the material needs of our own civilization. In this task the nations of Europe have pledged themselves to co-operation by a solemn covenant. Towards the common goal each will advance by the methods most consonant with its national genius. British methods have not perhaps in all cases produced ideal results, but I am profoundly convinced that there can be no question but that British rule has promoted the happiness and welfare of the primitive races. Let those who question it examine the results impartially. If there is unrest, and a desire for independence, as in India and Egypt, it is because we have taught the value of liberty and freedom, which for centuries these peoples had not known. Their very discontent is a measure of their progress.

We hold these countries because it is the genius of our race to colonize, to trade, and to govern. The task in which England is engaged in the tropics—alike in Africa and in the East—has become part of her tradition, and she has ever given of her best in the cause of liberty and civilization. There will always be those who cry aloud that the task is being badly done, that it does not need doing, that we can get more profit by leaving others to do it, that it brings evil to subject races and breeds profiteers at home. These were not the principles

which prompted our forefathers, and secured for us the place we hold in the world today in trust for those who shall come after us.

LORD LUGARD, *The Dual Mandate in British Tropical Africa* (ed. 3, 1926), 617-19.

## 62. Trusteeship in Kenya

It is a matter for satisfaction that, however irreconcilable the views of the European and Indian communities in Kenya on many points may be, there is one point on which both are agreed, namely, the importance of safeguarding the interests of the African natives. . . .

Primarily, Kenya is an African territory, and His Majesty's Government think it necessary definitely to record their considered opinion that the interests of the African natives must be paramount, and that if, and when, those interests and the interests of the immigrant races should conflict, the former should prevail. Obviously the interests of the other communities, European, Indian or Arab, must severally be safeguarded. Whatever the circumstances in which members of these communities have entered Kenya, there will be no drastic action or reversal of measures already introduced, such as may have been contemplated in some quarters, the result of which might be to destroy or impair the existing interests of those who have already settled in Kenya. But in the administration of Kenya His Majesty's Government regard themselves as exercising a trust on behalf of the African population, and they are unable to delegate or share this trust, the object of which may be defined as the protection and advancement of the native races. It is not necessary to attempt to elaborate this position; the lines of development are as yet in certain directions undetermined, and many difficult problems arise which require time for their solution. But there can be no room for doubt that it is the mission of Great Britain to work continuously

for the training and education of the Africans towards a higher intellectual, moral, and economic level than that which they had reached when the Crown assumed the responsibility for the administration of this territory. At present special consideration is being given to economic development in the native reserves, and within the limits imposed by the finances of the colony all that is possible for the advancement and development of the Africans, both inside and outside the native reserves, will be done.

His Majesty's Government desire also to record that in their opinion the annexation of the East Africa Protectorate, which, with the exception of the mainland dominions of the Sultan of Zanzibar, has thus become a colony, known as Kenya Colony, in no way derogates from this fundamental conception of the duty of the government to the native races. As in the Uganda Protectorate, so in the Kenya Colony, the principle of trusteeship for the natives, no less than in the mandated territory of Tanganyika, is unassailable. This paramount duty of trusteeship will continue, as in the past, to be carried out under the Secretary of State for the Colonies by the agents of the Imperial Government, and by them alone.

*Indians in Kenya: Memorandum: Parliamentary Papers, 1923, xviii, 149-50.*

### *63. The Definition of Dominion Status*

THE Committee are of opinion that nothing would be gained by attempting to lay down a constitution for the British Empire. Its widely scattered parts have very different characteristics, very different histories, and are at very different stages of evolution; while, considered as a whole, it defies classification and bears no real resemblance to any other political organization which now exists or has ever yet been tried.

There is, however, one most important element in it which, from a strictly constitutional point of view, has now, as regards

all vital matters, reached its full development—we refer to the group of self-governing communities composed of Great Britain and the Dominions. Their position and mutual relation may be readily defined. *They are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations.*

A foreigner endeavouring to understand the true character of the British Empire by the aid of this formula alone would be tempted to think that it was devised rather to make mutual interference impossible than to make mutual co-operation easy.

Such a criticism, however, completely ignores the historic situation. The rapid evolution of the Oversea Dominions during the last fifty years has involved many complicated adjustments of old political machinery to changing conditions. The tendency towards equality of status was both right and inevitable. Geographical and other conditions made this impossible of attainment by the way of federation. The only alternative was by the way of autonomy; and along this road it has been steadily sought. Every self-governing member of the Empire is now the master of its destiny. In fact, if not always in form, it is subject to no compulsion whatever.

But no account, however accurate, of the negative relations in which Great Britain and the Dominions stand to each other can do more than express a portion of the truth. The British Empire is not founded upon negations. It depends essentially, if not formally, on positive ideals. Free institutions are its life-blood. Free co-operation is its instrument. Peace, security, and progress are among its objects. Aspects of all these great themes have been discussed at the present Conference; excellent results have been thereby obtained. And, though every Dominion is now, and must always remain, the sole judge of the nature and extent of its co-operation, no common cause will, in our opinion, be thereby imperilled.

Equality of status, so far as Britain and the Dominions are concerned, is thus the root principle governing our Inter-



Imperial Relations. But the principles of equality and similarity, appropriate to *status*, do not universally extend to function. Here we require something more than immutable dogmas. For example, to deal with questions of diplomacy and questions of defence, we require also flexible machinery—machinery which can, from time to time, be adapted to the changing circumstances of the world. This subject also has occupied our attention. The rest of this Report will show how we have endeavoured not only to state political theory, but to apply it to our common needs.

*Report of the Inter-Imperial Relations Committee of the Imperial Conference of 1926: Parliamentary Papers, 1926, xi, 558–9.*

#### 64. *The Donoughmore Report on the Constitution of Ceylon, 1928*

##### (a) *The Legislative Council*

THE most striking characteristic of the Ceylon constitution is the divorce of power from responsibility. The unofficial members, who are not responsible for the conduct of public business, enjoy an overwhelming majority in the Legislative Council; the official members, who are so responsible, are in a permanent minority. The official members owe no allegiance to the Council and are irremovable except by the Governor, in whom all executive authority is vested. The unofficial members, though in complete control in the Council, are denied

controlling votes.

A normal requirement of the parliamentary system of government is that the element which supplies the executive should be able to command a majority in the legislature, or if

it cannot do so should give way to its opponents. Judged then by the accepted standards of parliamentary practice, a constitution such as that of Ceylon is a *reductio ad absurdum*. But it must be remembered that the representative institutions of the world have reached no final or definite form, that conditions vary from country to country and from continent to continent, imposing each in their own sphere special and peculiar limitations on the parliamentary system, and that the history of modern constitutional development is one continuous record of attempts to adjust accepted parliamentary practice to the realistic requirements of social and economic progress. It is no longer enough to criticize a constitution on the debatable grounds of political theory without examining the peculiarities of its environment. If we survey the political field in Ceylon we find that there is a complete absence of any party system among the elected representatives of the people, a consideration which, while a serious handicap to the development of responsible parliamentary institutions, was expected to lessen the embarrassment of a Government called upon to administer the country with a minority in the Legislative Council. Much depended therefore on the manner in which the grant to the elected representatives of a controlling voice in the Council was interpreted. It was true that it transferred the balance of power from a responsible executive to an irresponsible legislature, an experiment which could not be without risk; on the other hand the very extent of the power entrusted to them made the elected members in a real sense co-partners in the Government. It was clear that without their active co-operation the Government would be helpless, but it was equally clear that they were as anxious as the official members to promote the good government of the country and would not be likely to withhold that co-operation. The system thus promised a means of educating the unofficial members in the arts of government and the complexities of public business, and of providing them with that training which would enable them in future years to assume responsibility for the administration of the island. In the meantime the closest and most intimate contact was ensured

by the constitution which, by depriving officials and unofficials alike of the power to act independently of each other, was calculated to produce an atmosphere of mutual assistance and goodwill.

It would therefore be too much to say that the constitution could not have worked efficiently under any circumstances; had these expectations been fulfilled there can be no doubt that the results would have been wholly admirable. There was, however, a factor to which too little attention had been paid and which was destined to exercise a far-reaching effect on the situation. The constitution, which could only be smoothly worked on a basis of co-partnership, placed the elected members on the horns of a dilemma. If they acknowledged their co-partnership would they not be regarded as having abandoned their claim to manage their own affairs? If they refused their co-operation would they not lose that education and training in the arts of government which made so strong an appeal to them, and forfeit that confidence which His Majesty's Government had clearly shown in their moderation and sense of responsibility? For years they had pressed for reforms which would make them masters in their own house, and for the continuance of that pressure they were naturally dependent on public support. To accept an instalment only, even under protest, might weaken their case in public estimation and might even deprive them of the right to continue their campaign which was based largely on the deficiencies of the Government.

Added to these considerations was the fact that in one respect the constitution deliberately emphasized the distinction between official and elected members. The Governor was given power to nominate three unofficial members to the Executive Council. These members were not necessarily to be selected from the Legislative Council, but if they were so selected they were to be required to resign their seats as elected representatives and to sit in the Council as nominated unofficial members. All connexion between the elected members and the Executive Council was thus gratuitously severed. The members nominated by the Governor to the Executive Council were at once

marked out as different from their fellows, to whom they became objects of suspicion. Instead of gaining added prestige they were liable to be distrusted as creatures of the Governor who had betrayed their constituents and deserted their cause. Their task of acting as a connecting link between the Governor with his official advisers and the Legislative Council became well-nigh impossible.

In this combination of circumstances a breach between the official and unofficial element in the Council was inevitable. Acceptance of the position of co-partnership faded from the picture of practical politics and the unofficials came gradually to regard themselves as a permanent Opposition. As soon as this tendency was manifest it was clear that the constitution would place the Government in a position of extreme difficulty. It had been hoped that the absence of a party system would assist the Government in dealing with a Council in which the official element was in a minority. But in practice this consideration exercised a contrary influence. For had the unofficial members been divided into two or more parties, each with clearly defined principles, they would naturally have tended to vote against each other, and on the majority of issues the Government would doubtless have been able to secure support. In any event the Government would have been able to take stock of its position and, in framing its policy, to weigh the considerations which made it probable or improbable that that policy would commend itself to various sections of the Council. But the elected members were individualists, untrammelled by party ties and free to vote as their judgement at the moment dictated. Their attitude therefore could not be calculated in advance. But if they lacked cohesion there was at work among them one common sentiment, namely, that they could administer the country more efficiently themselves. Thus in an atmosphere of uncertainty and instability the only constant factor was the general desire to make political capital out of the shortcomings of the Government and to add to its embarrassment.

Denied all prospects of office, the unofficial members were

in no danger of being called upon to translate their criticisms into action and to execute in practice the measures which they advocated. They were free therefore from the deterrent which is usually present to the Opposition in countries where parliamentary government obtains. Apart from their responsibility to their constituencies, in which the bulk of the people were debarred from the franchise, they were free agents, who, while able by their slightest actions to affect the fortunes of their country, possessed, if called to account for those actions, a convenient scapegoat ready to hand. It is then no matter for surprise that the launching of continuous and irresponsible attacks on the members of the Government collectively and individually became the distinctive feature of their policy.

*Ceylon: Report of the Special Commission on the Constitution: Parliamentary Papers, 1928, vii, 174-7.*

### *(b) The Obstacles to Responsible Government*

There were witnesses, chief among whom were the delegates of the Ceylon National Congress, who indicated that full responsible government, whether or not involving the grant of Dominion Status, must be the immediate goal of any constitutional advance in Ceylon; but the fact that the Ceylonese politicians have not yet had an opportunity of showing their executive ability as Ministers in charge of Departments seems to have produced a measure of agreement that some less drastic change as an immediate step will be in the best interests of the ultimate political future of the island. Had the inhabitants of Ceylon presented greater appearance of unity and corporate spirit, one obstacle to the grant of full responsible government would have been removed. Not only is the population not homogeneous, but the diverse elements of which it is composed distrust and suspect each other. It is almost true to say that the conception of patriotism in Ceylon is as much racial as national, and that the best interests of the country are at

times regarded as synonymous with the welfare of a particular section of its people. If the claim for full responsible government be subjected to examination from this standpoint it will be found that its advocates are always to be numbered among those who form the larger communities and who, if freed from external control, would be able to impose their will on all who dissented from them. Those on the other hand who form the minority communities, though united in no other respect, are solid in their opposition to the proposal. A condition precedent to the grant of full responsible government must be the growth of a public opinion which will make that grant acceptable, not only to one section, but to all sections of the people; such a development will only be possible if under a new constitution the members of the larger communities so conduct themselves in the reformed Council as to inspire universal confidence in their desire to harmonize conflicting interests, and to act justly, even at a sacrifice to themselves.

*Ceylon: Report of the Special Commission on the Constitution: Parliamentary Papers, 1928, vii, 187.*

### *(c) The Transition to Responsible Government*

The factors then which we have to consider in devising a new constitution are these: first that there are circumstances which make inadvisable the grant of full responsible government, but that the time has come when a substantial measure of responsibility should be devolved on the elected representatives; that in the absence of a balance of parties the establishment of a purely parliamentary system of government on the existing British model is not suited to conditions in Ceylon; and that in view of the special nature of its problems, the compactness of its area and the nature of the training given by the existing constitution to the unofficial members, it would be inexpedient, if not impracticable, to insist on the exclusion

from the purview of the Council of the executive business of the Government. To these considerations must be added the distrust of each other shown by unofficial members and the pressure which they are accustomed to exercise on those who represent the Government, pressure which in a Council without a party system would speedily make the position of single ministers intolerable. In taking account of all these factors, it must be our aim not slavishly to follow the forms and practice of the British model which was not designed to meet conditions similar to those obtaining in Ceylon, but to devise a scheme in consonance with local circumstances, a scheme which will be concerned not to reflect an alien philosophy but to give free play to the peculiar genius of the Ceylonese themselves and above all a scheme which may bring about a resolute handling of social and economic questions before, as in most Western lands, they have grown too complicated to remedy.

The scheme which we have decided to recommend to His Majesty's Government has been designed with these objects. It formally recognizes the right of the reformed Council to deal with administrative as well as legislative matters; it imposes responsibility on each one of the unofficial members and so provides for that education without which no ministerial system could be expected to flourish; it provides seven ministerial posts for the elected members and thus transfers to them in generous measure the responsibility for the management of their own affairs; at the same time it provides for their association with standing Executive Committees and thus secures them from the disabilities which the absence of parties would otherwise engender. It is a scheme which is calculated to divert attention from the academic discussion of political theory to the practical consideration of the pressing administrative problems of the day. It is a scheme which, while giving responsibility as well as power, guarantees that political progress shall go hand in hand with administrative knowledge. It is a scheme which gives the Ceylonese free institutions and direct responsibility.

In broad outline the scheme involves the constitution of a

representative chamber, to be called the State Council, which will perform dual functions and require dual organization, legislative and executive. It will sit, therefore, for the former purpose in Legislative Session, and for the latter purpose in Executive Session. The Departments of Government, instead of being concentrated under the supervision of the Colonial Secretary, will be divided into ten groups. Three of these groups will be left in charge of the Colonial Secretary (in future Chief Secretary), the Attorney-General and the Treasurer. These Officers, who will be known in future as the Officers of State, will have the full status of Ministers, but their functions will be mainly advisory and only in a secondary sense executive. The remaining seven groups of Departments will be in the charge of Members of the State Council. On the opening of the new Council, the members will divide themselves into seven Executive Committees, one for each group, and each Committee will elect its Chairman for appointment by the Governor. These Chairmen will have the status of Ministers and will be individually responsible for the administration of the Departments assigned to their charge: they will, in addition, be collectively responsible for all financial measures. The executive business of government will be dealt with by these Committees and reported to the Council in Executive Session for confirmation. In the same way legislative measures will be sponsored in Legislative Session by the Chairman of any Executive Committee at whose instance they may have been prepared. Both the legislative and executive actions of the Council will require the assent of the Governor, who will be specially charged by Royal Instructions to refuse or reserve assent to measures which infringe certain clearly defined principles. But otherwise it will be seen that the elected representatives will be placed in a position to exercise complete control over the internal affairs of the island.

*Ceylon: Report of the Special Commission on the Constitution: Parliamentary Papers, 1928, vii, 200-2.*



## 65. *White Settlement in Africa*

THE easiest, most natural and obvious way to civilize the  
continent will be a vain dream apart from white employment,

without the leading hand of the settler and the employer, away from the continuous living contact with the actual example and the actual practice of European industry and agriculture. The civilization of Africa therefore calls for a definite policy, the policy of European settlement, the establishment of a white community inside Africa which will form the steel framework of the whole ambitious structure of African civilization. Without a large European population as a continuous support and guarantee of that civilization and as an ever-present practical example and stimulus for the natives, I fear that civilization will not go far and will not endure for long. From the native point of view, therefore, just as much as from the white or European point of view, nay, even more from the native point of view, the policy of African settlement is imperatively necessary.

I find in recent years a tendency to give primacy to the native point of view, to place native interests first in the scheme for African development. This appears to be the attitude of the British Government in East Africa, at any rate since 1923. This attitude again has largely influenced the view of the various commissions of inquiry which have studied these vexed questions since 1923. Beyond that again is the slogan "Africa for the Africans." The underlying assumption of this view is that there is an essential incompatibility between white and native interests, that the promotion of white settlement must necessarily or usually run counter to native rights and interests, and that this encroachment can only be prevented by calling a halt to the policy of white settlement. My point is

that, apart from abuses and avoidable excrescences, there is no such inherent and inevitable clash of interests between the two. If Africa is to be civilized at all, if the heavy responsibility for African civilization is not to be weakly renounced and abandoned, the two will have to go together in carrying the great burden. The assumption of conflict and incompatibility is quite wrong. White settlement along proper economic lines and on proper ethical principles is what black Africa most needs today for its development and civilization. Granting in principle that native interests should rank first, I still submit that white settlement under proper safeguards remains the best means to give effect to that priority. For without large-scale permanent European settlement on this continent the African mass will not be moved, the sporadic attempts at civilization will pass, Africa may relapse to her historic and prehistoric slumbers, and once more only mining holes and ruined forts may ultimately remain to bear testimony to future ages of what once was. We shall have a repetition of Zimbabwe, and not an enduring impression on and betterment of the peoples of this continent.

To my mind we shall make a great mistake if we analyse the factors which bear upon African progress and civilization and begin to assign separate and contrasted and competitive values to them. African progress is one whole organic problem and has to be viewed as such. It is not really a case of natives first or whites first, but of Africa first. Any policy which (without manifest injustice or unfairness to any particular section) promotes most effectively African development as a whole will at the same time be most in the interest of the natives as well as of the whites. That is good political philosophy as well as sound common sense.

J. C. SMUTS, Rhodes Memorial Lecture, 1929: *Africa and some World Problems* (1930), 48-51.

66. *The Statute of Westminster, 1931*  
(22 Geo. V, c. 4)

*An Act to give effect to certain resolutions passed by Imperial Conferences held in the years 1926 and 1930.*

WHEREAS the delegates of His Majesty's Governments of the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, and Newfoundland at Imperial Conferences holden at Westminster in the years 1926 and 1929 and 1930 did concur in making the declarations and resolutions set forth in the Reports of the said Conferences.

And whereas it is meet and proper to set out by preamble to this Act that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom:

And whereas it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion.

And whereas it is necessary for the ratifying, confirming, and establishing of certain of the said declarations and resolutions of the said Conferences that a law be made and in due form by authority of the Parliament of the United Kingdom:

And whereas the Dominion of Canada, the Commonwealth

of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, and Newfoundland have severally requested and consented to the submission of a measure to the Parliament of the United Kingdom for making such provision with regard to the matters aforesaid as is hereafter in this Act contained:

Now, therefore, be it enacted by the King's most excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. In this Act the expression "Dominion" means any of the following Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland.

2. (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

3. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

4. No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

5. Without prejudice to the generality of the foregoing provisions of this Act, sections seven hundred and thirty-five

and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the legislature of a British possession did not include reference to the Parliament of a Dominion.

6. Without prejudice to the generality of the foregoing provisions of this Act, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in any Dominion as from the commencement of this Act.

7. (1) Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

(2) The provisions of section two of this Act shall extend to laws made by any of the Provinces of Canada and to the powers of the legislatures of such Provinces.

(3) The powers conferred by this Act upon the Parliament of Canada or upon the legislatures of the Provinces shall be restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada or of any of the legislatures of the Provinces respectively.

8. Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia or the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.

9. (1) Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.

(2) Nothing in this Act shall be deemed to require the concurrence of the Parliament or Government of the Common-

wealth of Australia in any law made by the Parliament of the United Kingdom with respect to any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia, in any case where it would have been in accordance with the constitutional practice existing before the commencement of this Act that the Parliament of the United Kingdom should make that law without such concurrence.

(3) In the application of this Act to the Commonwealth of Australia the request and consent referred to in section four shall mean the request and consent of the Parliament and Government of the Commonwealth.

10. (1) None of the following sections of this Act, that is to say, sections two, three, four, five and six, shall extend to a Dominion to which this section applies as part of the law of that Dominion unless that section is adopted by the Parliament of the Dominion, and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

(2) The Parliament of any such Dominion as aforesaid may at any time revoke the adoption of any section referred to in sub-section (1) of this section.

(3) The Dominions to which this section applies are the Commonwealth of Australia, the Dominion of New Zealand, and Newfoundland.

11. Notwithstanding anything in the Interpretation Act, 1889, the expression "colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.

12. This Act may be cited as the Statute of Westminster, 1931.

## *67. The British Achievement in India*

THE record of British rule in India is well known. Though we

claim for it neither infallibility nor perfection, since, like all systems of government, it has, at times, fallen into error, it is well to remember the greatness of its achievement. It has given to India that which throughout the centuries she has never possessed, a government whose authority is unquestioned in any part of the sub-continent; it has barred the way against the foreign invader and has maintained tranquillity at home; it has established the rule of law, and, by the creation of a just administration and an upright judiciary, it has secured to every subject of His Majesty in British India the right to go in peace about his daily work and to retain for his own use the fruit of his labours. The ultimate agency in achieving these results has been the power wielded by Parliament. The British element in the administrative and judicial services has always been numerically small. The total European population of British India today, including some 60,000 British troops, is only 135,000. The total British element in the Superior Services is about 3150, and of these there are approximately 800 in the Indian Civil Service and 500 in the Indian Police.

The success of British rule cannot be justly estimated without reference to the condition of things which preceded it. The arts of government and administration were not indeed unknown to the earlier Hindu kings, and the strong hand of the Mogul emperors who reigned between 1525 and 1707 maintained a state which ultimately embraced the larger part of India and did not suffer by comparison with, if it did not even surpass in splendour, the contemporary monarchies of Europe. But the strength of the Mogul empire depended essentially upon the personal qualities of its ruling house, and when the succession of great emperors failed, its collapse inevitably followed; nor during its most magnificent period was its authority unchallenged either within or without its borders. Its system of government resembled that of other Asiatic despotisms. The interests of the subject races were made subservient to the ambitions, and often to the caprices, of the monarch; for the politic toleration of Akbar and his immediate successors disappeared with Aurungzeb. The

imperial splendour became the measure of the people's poverty, and their sufferings are said by a French observer, long resident at the court of Aurungzeb, to have been beyond the power of words to describe.

There are pages in the history of India, between the collapse of the Mogul empire and the final establishment of British supremacy, which even today cannot be read without horror. With but brief intervals of relief, vast tracts were given over to the internecine struggles of the princes, the guerrilla warfare of petty chiefs, and the exactions of Indian and European adventurers; and to townsmen and peasants alike, the helpless victims of malice domestic, foreign levy, and anarchy, it might have seemed that the sum of human misery was complete. It is in the improvement which has taken place in Indian agriculture since the establishment of peace and security that the Royal Commission in 1928 found a measure of the extent to which husbandry had been injured and its progress delayed by the long period of disorder and unrest that preceded the establishment of the unity of India under the British Crown.

Such were the conditions out of which British rule gradually, with the aid and co-operation of many Indians, created a new and stable polity. Peace and order were re-established, the relations of the Indian States with the Crown were finally determined, and the rule of law made effective throughout the whole of British India. On this solid foundation the majestic structure of the Government of India rests, and it can be claimed with certainty that in the period that has elapsed since 1858, when the Crown assumed supremacy over all the territories of the East India Company, the educational and material progress of India has been greater than it was ever within her power to achieve during any other period of her long and chequered history. At the same time the surveys and settlement of the land, including the recognition and determination by law of land tenures and the just assessment of the land revenue, together with the preparation and revision from time to time of the record of rights and customs, have afforded guarantees of security to the vast agricultural population upon which has



depended the welfare of the whole sub-continent.

We have emphasized the magnitude of the British achievement in India because it is this very achievement that has created the problem which we have been commissioned by Parliament to consider. By transforming British India into a single unitary state, it has engendered among Indians a sense of political unity. By giving that state a government disinterested enough to play the part of an impartial arbiter, and powerful enough to control the disruptive forces generated by religious, racial, and linguistic divisions, it has fostered the first beginnings, at least, of a sense of nationality, transcending those divisions. By establishing conditions in which the performance of the fundamental functions of government, the enforcement of law and order, and the maintenance of an upright administration has come to be too easily accepted as a matter of course, it has set Indians free to turn their mind to other things, and in particular to the broader political and economic interests of their country. Finally, by directing their attention towards the object lessons of British constitutional history and by accustoming the Indian student of government to express his political ideas in the English language, it has favoured the growth of a body of opinion inspired by two familiar British conceptions: that good government is not an acceptable substitute for self-government, and that the only form of self-government worthy of the name is government through ministers responsible to an elected legislature.

*Report of the Joint Committee on Indian Constitutional Reform, 1933-4: Parliamentary Papers, 1933-4, vi, 439-41.*

## 68. *Constitutional Reform in Nigeria*

THE problem of Nigeria today is how to create a political system which is itself a present advance and contains the living possibility of further orderly advance—a system within

which the diverse elements may progress at varying speeds, amicably and smoothly, towards a more closely integrated economic, social and political unity, without sacrificing the principles and ideals inherent in their divergent ways of life. The present system of government in Nigeria has many inconsistencies and by its nature is unsuited for expansion on a Nigerian basis. A governing factor in my thoughts has been the physical size of Nigeria—one-third of British India, or the size of France, Belgium and the United Kingdom put together—with a population double that of the Dominion of Canada. Planning for such a country should, therefore, be on an imperial scale, far different from the small-scale planning which is adequate for a colony of the normal small size. We have been urged to take some risks and I agree that we should do so. To refuse to take risks is to admit political insolvency. I have tried to avoid false analogies. It is not the Westminster model but the principles which lie behind it and make it work that I have tried to apply, and in doing so I have retained the fundamental principle of real and practical training by progressive stages based on native institutions.

In framing my proposals I have kept three objects before me: to promote the unity of Nigeria; to provide adequately within that unity for the diverse elements which make up the country; and to secure greater participation by Africans in the discussion of their own affairs. At present no unity exists, nor does the constitution encourage its growth. The Legislative Council does not legislate for the Northern Provinces, so that more than half the population is outside its range. Even in the Western and Eastern Provinces, which are within its sphere, the mass of the people are insufficiently represented. What is wanted is a constitutional framework covering the whole of Nigeria and a Legislative Council on which all sections of the community are given representation. But however widely representative it may be, a central legislature by itself is not enough. Nigeria falls naturally into three regions, the North, the West and the East, and the people of those regions differ widely in race, in customs, in outlook and in their

traditional systems of government. This natural division of the country is reflected in the machinery of administration, the three sets of provinces being grouped together each under a Chief Commissioner, but this purely administrative arrangement, besides being incomplete in itself through the lack of an adequate regional organization at each Chief Commissioner's headquarters, has no counterpart in the constitutional sphere. Apart from Chiefs' Conferences, no bodies exist at which public affairs can be discussed on a less narrow plane than the purely local or one less wide than the Nigerian. Nor is there any constitutional link between the Legislative Council and the Native Authorities. What are needed are bodies where the affairs of each group of provinces can be discussed, bodies which on the one hand are linked by membership with the Native Authorities, and on the other hand can send delegates to speak for each region in the central legislature. And these bodies must be so constituted as to be acceptable to public opinion in the regions where they are established. Having set up such bodies and widened the scope of the central legislature, it would still remain to secure a greater voice in their affairs for the Africans themselves. At present officials are in the majority on the Legislative Council, but I feel that the time has come to create unofficial majorities.

The recommendations which I put forward, with the support of all three Chief Commissioners, provide both for the widening of the scope and membership of the Legislative Council and for the establishment of Regional Councils for the Northern, Western and Eastern Provinces. The Northern Regional Council would consist of two chambers, the House of Chiefs and the House of Assembly, while in the West and East there would be a single chamber in each case, the House of Assembly. The new Legislative Council would legislate for the whole country including the Northern Provinces. The whole range of Nigerian affairs would be open for debate, especially on the second reading of the Budget. The Legislative Council would be so constituted as to have an unofficial and an African majority and, while direct election would be retained where it

exists at present, the majority of the unofficial members would be selected from their own bodies by the Northern House of Chiefs and by the unofficial members of the Houses of Assembly. Thus the regional Councils would act as electoral colleges for the Legislative Council apart from their other functions. The Houses of Assembly would themselves have unofficial majorities and the greater part of the unofficial members would be nominated by the Native Authorities in each province from their own numbers. In this way a chain of representation would be created from the legislative Council to the people through the regional Councils and the Native Authorities, and it would be a type of representation which would be in accordance with custom, would fit in naturally with existing institutions, and would be readily intelligible to the people themselves.

I do not propose that there should be any change in the constitution of the Executive Council, the functions of which are purely advisory, and which has recently been enlarged by the addition of three unofficial members.

The system of native administration would continue its evolution precisely as at present and the progressive devolution of authority and responsibility to Native Authorities would proceed. But if the Native Authorities are to play their full part in the constitutional framework, they must be prepared continually to adapt themselves to modern conditions. The system of indirect rule cannot be static; it must keep pace with the development of the country and it must find a place for the more progressive and better educated men. Only in this way can the Native Authorities retain the confidence of the people as education spreads and only in this way can local administration be effectively carried on. Progress in this direction has, of course, been taking place for some time. In the Eastern Provinces the absence of any traditional political organization has made it possible to build up Native Authorities on democratic lines in the form of Councils on which all the individual family units within the larger tribal units have equal representation. These Councils include representatives of the

political associations sponsored by the educated members of the community. In the Northern and Western Provinces also the traditional rulers have been encouraged to admit to their Councils representatives of progressive opinion. In the Western Provinces, in particular, only four of the Native Authorities consist of a Chief alone, the rest being "Chief-in-Council" or "Council" and the Councils include representatives of the educated element who are often in effect chosen by the local political associations. This progressive modernization of the Native Authorities is an essential part of the policy which I put forward.

SIR ARTHUR RICHARDS, Governor of Nigeria, to the Secretary of State for the Colonies, 6 December 1944: *Proposals for the Revision of the Constitution of Nigeria: Parliamentary Papers, 1944-5*, ix, 629-31.

69. *The Indian Independence Act, 1947*  
(10 and 11 Geo. VI, c. 30.)

*An Act to make provision for the setting up in India of two independent Dominions, to substitute other provisions for certain provisions of the Government of India Act, 1935, which apply outside those Dominions, and to provide for other matters consequential on or connected with the setting up of those Dominions.*

BE it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan. . . .

7. (1) As from the appointed day:—

- (a) His Majesty's Government in the United Kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India;
- (b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise; and
- (c) there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons, or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance, or otherwise. . . .

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission from the Royal Style and Titles of the words "Indiæ Imperator" and the words "Emperor of India" and to the issue by His Majesty for that purpose of His Royal Proclamation under the Great Seal of the Realm.

## 70. *Problems of Planning in the Dependent Empire*

FROM the standpoint of the British taxpayer, colonial develop-

ment, in its economic aspect, may properly be regarded as a matter of exporting capital or consumer goods from the United Kingdom to the colonies, in order that the colonies may not only achieve a satisfactory standard of life for themselves, but also provide a flow of surplus foodstuffs and raw materials in exchange for further United Kingdom products. The colonial peoples themselves, concerned primarily to promote their own social amelioration, are well aware that, in the long run, only sustained local economic development can continue to provide the material resources without which there can be no improvement in colonial standards of life. It is not, however, rational to consider colonial economic development except in the contemporary world setting. The colonies need the United Kingdom's products and experts, and the United Kingdom needs colonial foodstuffs and raw materials. For a long time to come, so far as is humanly predictable, the United Kingdom and colonial economies will be complementary.

It is therefore surprising that nothing in the evidence laid before Your Committee suggests that, at the back of the extensive colonial developments now being undertaken or contemplated under the 1945 Act,<sup>1</sup> lies a coherent strategy of economic planning. The evidence shows that, in the genesis of these schemes, no regard was paid either to priorities among the colonies themselves for the supply of materials scarce in the United Kingdom, or even to priorities among the several competing interests within the same colony. Still less were the United Kingdom's own requirements of scarce capital equipment taken into account. Fundamentally, the problem is physical and not financial.

Your Committee believe that the initiative in the planning of those aspects of colonial development which require much capital equipment ought not to be the exclusive affair of the several colonial governments. Rather might the British taxpayer reasonably expect joint planning between the several colonial governments and the United Kingdom government for their mutual advantage. Yet the evidence of the Chief

<sup>1</sup> The second Colonial Development and Welfare Act.

Planning Officer, Economic Affairs, leaves no doubt that there is in London nothing even resembling adequate administrative provision for mutual long-term planning in this respect. Your Committee consider that the framing of schemes of colonial economic development should proceed on the principle that, the respective economies of the United Kingdom and of the colonies being complementary, the advantages of the development are to be mutual. They recommend that schemes of colonial economic development requiring scarce capital equipment should be framed, to avoid disappointment, in consultation with a planning authority in the United Kingdom which should have the responsibility of allocating such equipment among home needs, export demands, and all forms of colonial development.

*Fifth Report from the Select Committee on Estimates (Session 1947-8), xi.*

### *71. India's Membership of the Commonwealth*

THE governments of the United Kingdom, Canada, Australia, New Zealand, South Africa, India, Pakistan, and Ceylon, whose countries are united as members of the British Commonwealth of Nations and owe a common allegiance to the Crown, which is also the symbol of their free association, have considered the impending constitutional changes in India.

The government of India have informed the other governments of the Commonwealth of the intention of the Indian people that under the new constitution which is about to be adopted India shall become a sovereign independent republic. The government of India have however declared and affirmed India's desire to continue her full membership of the Commonwealth of Nations and her acceptance of the King as the symbol of the free association of its independent member nations and as such the Head of the Commonwealth.

The governments of the other countries of the Common-



wealth, the basis of whose membership of the Commonwealth  
 . . . . . India's continuing  
 . . . . . aration.  
 . . . . . ia, New  
 . . . . . hereby  
 declare that they remain united as free and equal members of  
 the Commonwealth of Nations, freely co-operating in the  
 pursuit of peace, liberty, and progress.

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